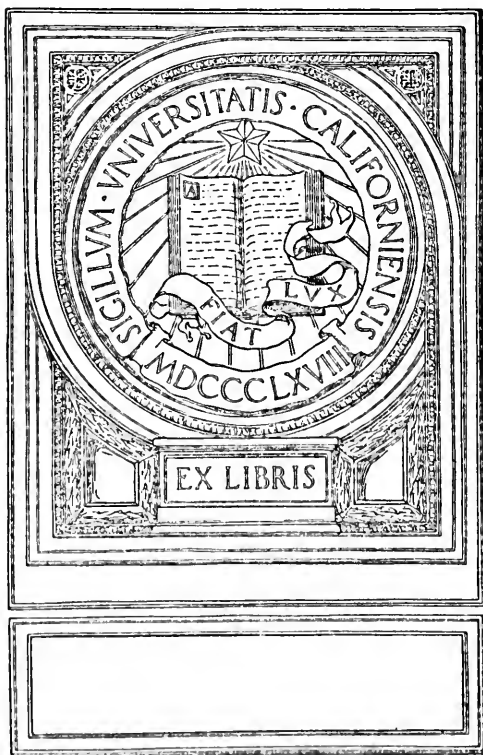




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**WAR OBVIATED BY  
AN INTERNATIONAL POLICE**





# WAR OBVIATED

BY AN

INTERNATIONAL POLICE

A SERIES OF ESSAYS,  
WRITTEN IN VARIOUS COUNTRIES



THE HAGUE  
MARTINUS NIJHOFF  
1915

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THE NETHERLANDS

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During the last few years, the problem of an international police to prevent war between the civilized nations, has come into prominence and it has claimed the consideration of statesmen, military authorities, professors of law, and men of acknowledged international importance.

11/17  
It appeared to me to be desirable, at the present time to collect together the opinions of these authorities, and in so far as they do not come from English or American writers, to translate them into English in order to enable them to attain a wider circulation.

Wijhoff  
I trust that the writers will not object to my having taken the liberty of reprinting their opinions upon this subject; a liberty which is justified by the importance to the whole civilized world of the solution of this problem.

The Publisher.

The Hague, April 1915.

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## C. VAN VOLLENHOVEN (HOLLAND)

PROFESSOR OF LAW IN THE UNIVERSITY OF LEYDEN.

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### I. HOLLAND'S VOCATION. (November, 1910.)

From: *De eendracht van het land* (The concord of the country),  
1913, p. 5—12, 78—80, 17, 19—21.

During the last thirty-five years, and especially since the first Peace Conference of 1899, two ideas have stood out prominently, whenever the development of international life among the nations comes up for discussion: international administration of justice (or arbitration) on the one hand, general disarmament on the other; arbitration for the pacific settlement of differences — of issues of law at least — between states; disarmament to prevent strong countries from acting, either as judges in their own cause, or — which is far worse — as selfish tyrants; and incidentally to render the sums thus saved available for more lasting purposes, such as the development of popular education, of material prosperity, of arts and sciences. Concurrent with these projects we also meet with the gradual codification of international law, but arbitration and disarmament take up the more prominent position.

Now supposing for a moment that these two deserve to be the central projects, can Holland be considered

to have any special mission with respect to their realization?

I fail to see how.

For in respect to arbitration, almost every conceivable plan has been suggested, either at one of the two Peace Conferences, or in books and periodicals. Most of these plans have hitherto come from America; they are often original, though not always mature. No doubt Holland can do useful work in this respect, by concluding liberal treaties of compulsory arbitration, such as those concluded with Denmark and with Italy. Also by frankly acknowledging the supremacy of the Hague Court of Arbitration over the Dutch Supreme Court of Judicature, and providing for this supremacy in the constitution. But our activity will always be confined to co-operation, just as all states are co-operating, whole or half-heartedly for the establishment of this international administration of justice.

And disarmament? Even supposing that, for the sake of example, we were willing to go the length of disarming, either partially or wholly, such example would avail very little. No great power would build one single battleship or fortress the less. In respect to disarmament a small and moderately armed nation can never give an impulse of any importance.

If, therefore, arbitration and general disarmament are the two great problems, Holland cannot expect to lead.

But are they?

The objection is so obvious, and has been heard so often, that the bare mention of it will suffice.

International administration of justice—it is said—is not a statue, but a fragment, a torso. For even though we had a complete set of all-embracing treaties of compulsory arbitration, for each of the fifty international states of the world, what if one of these states refuse to abide by an award once pronounced? This is what happened in 1891, when judgment had been given against Venezuela in favour of Peru, and what threatened in 1909 between Bolivia and Peru although these two states had concluded a general treaty of arbitration even while the issue between them was being tried; and this is likely to occur with ever increasing frequency as the cases multiply, in which a state, in virtue of its general arbitration treaties, is not required to give its express consent for each separate arbitration. And what would happen, if a state refused to have its cause tried by arbiters? Both possibilities are expressly mentioned in the Porter treaty of the second Peace Conference. Here no bailiff, no right of execution, no strong arm of the law, nothing that renders the judge and his decisions irresistible within the boundaries of each realm.

There is the same difficulty about general disarmament. The bishop in the beginning of Victor Hugo's „*Les Misérables*”, who trusting in God and his fellow-men, sleeps with his front-door on the latch, and who, after Jean Valjean has broken into his house, shields

him from justice and gives him a pair of silver candlesticks into the bargain — he may charm in a novel, especially when the reader is young, but who, responsible for the public peace in the Netherlands, in Amsterdam or even in some small village, would think of elevating principles such as these into a system of government? General disarmament, therefore, like compulsory arbitration, cannot yet be considered to be a complete thing; it is a torso.

Fortunately it is not difficult to point out what is wanting in either case. A glance at our own history a few centuries back will suffice. When the central power in Holland was not yet strong enough to compel obedience to itself throughout the country, knight and burgess had no choice but to fortify their dwellings; and the price, paid to ensure security from violence and tumult, was not, as it is now, represented by the expense, entailed by the upkeep of an efficient body of police, but each of these numerous castles and walled towns had to spend vast sums on defences. To this must be added this fatal consequence, that whenever the prince considered it necessary to interfere in person, he might find ranged against him not only villagers and burghers, but states within the state; the counts of Holland had again and again to lay siege to the castles of their own vasals, or to wage war on them; all through the middle-ages Utrecht and Guelders had trouble with the unconquerable town of Amersfoort, that "camp of fierce bulls". As, however,

the power of these nobles and cities is gradually superseded by a strong central government, capable of enforcing order and justice with its own troops, we see the gradual disappearance of these fortified towns and castles, the extinction of these local armies, and we watch the gradual development of the present state of things, when nothing is required but the police, some mounted constabulary and the occasional display of military force, open defiance of the law being of rare occurrence and confined to excentrics and desperadoes.

It is no different with states. As long as there is no authority superior to them, set up by themselves to enforce international peace and justice, each one has to ensure its own, though this may prove beyond the financial capacity of both large and small nations and although for the small nations such security is unattainable. But if, by the side of the international court, which would everywhere and always uphold the written and unwritten rules of international law, an international fighting-force were established, which would actively maintain peace and justice as the instrument and under the control of the said court, the large as well as the small states would gradually give up their national armaments; there would be a guarantee, as satisfactory but less costly for the big states, far more satisfactory and yet very much less expensive for the small ones; the danger which will always threaten the world while one single state in a Dreadnobody, will

have disappeared: the peace of the world will be based on firm foundations.

And now, in order to prevent at the outset that this idea should be decried as a student's whim, a scholar's chimera, let me invoke the testimony of a fact and of a man.

The fact is this lesson from the comparative history of jurisprudence that wherever a body politic gradually assumes authority of existing communities, it is requisite that should have the power to enforce its decrees. Even the centrifugal Republic of the United Provinces could not avoid authorizing the Generality (1579—1588) to constrain such provinces as did not observe their financial obligations towards the Union by the quartering upon them of cavalry, of foot-soldiers, or by any other expedient whatever; and the unreality of the Union was not in the last place due to that exaggerated love of liberty and lamentable circumspection which often prevented the application of this constraint during the first sixty years, and caused its entire abandonment after 1639.

The man quoted is Roosevelt. In his first Presidential Address in December 1904 he says already: Disarmament, if it should ever come, will never be carried to such lengths, that the great powers will not keep a small force for purposes of international police. But in May 1910, at Christiania, he proclaims loudly: It would be a master stroke, if a state or a statesman should arise able to bring about an international police

power, strong enough to enforce the decrees of the court of arbitration and to put down violence as between nations.

What further need have we of witnesses?

But if this is indeed the vital difficulty, our cry should no longer be: *Si vis pacem, abjice arma*, but: *Si vis pacem, para exercitum internationalem*. Then our demand is no longer general disarmament, but the arming of a world force, in order to arrive in this way — the only possible one — at the disarming of individual nations. Then we no longer cry for "Peace through Justice"; but for Peace through an international force to defend the right.

It cannot, however, be doubtful that the enemy lurks from two sides, to prevent the execution of this plan.

On the one hand the force-monomaniacs of the German Empire who will call everything impossible and unmanly that bears the slightest resemblance to international complaisance, to willing compliance with "phantastic" rules for the common good.

On the other hand it is to be feared, that the sincere friends of peace will likewise be disappointed. Will not their movement lose its charm? How will it be possible for them to unfurl their banner of „Peace upon Earth” just as a strong international army and navy are being established? Who shall dare to say that "the people that walked in darkness have seen a great light," if that light is to radiate from so utterly material an in-

stitution as a international police-force? And what is to become of all those choral societies of children in damp curls and white frocks, who sing peace odes to the Czar of Peace on the 18th May; what of those monuments representing metal doves, spiking guns with an olive-branch?

Unfortunately the answer must be brief and matter-of-fact: Universal peace is undoubtedly to be the key-stone but cannot possibly be the foundation-stone, and one international fighting-force, along with national disarmament, in the hand, is worth ten or a hundred or a hundred thousand impracticable plans of general disarmament in the bush.

Now, what is the treaty material, pre-eminently suitable to form the first chapter of an international code to be enforced by power, if necessary? One naturally thinks first of all of the rights of neutrals, which formed the main subject for discussion at the second peace-conference (1907), which will find their culminating point in the International Prize-Court, and of which every country, big or small, will readily understand that it may at any time enjoy the benefits. If half a dozen obligations towards neutrals were selected, to be respected by all, irrespective of circumstances, and to be enforced if necessary by the joint powers through their international fleet and army, the Peace Conferences would have a second solid success to boast of, the first being the International Court of Ar-



bitration. And if it be objected that the international fleet and army would in this way interfere in the course of the war, the answer must be that if this is inadmissible, the rules about neutrals ought to be cancelled altogether, for they are a mere sham, if the violation of neutrality is to be considered consistent with civilized warfare.

Thus if Russia and Japan are at war, and Japan violates the neutrality of either French Indochina or French steamers, in such a case — should France demand help — the Community of Nations itself would be obliged to ward off or to prevent this violation prohibited by explicit treaties. They might do so by lending an international convoy to these steamers, or by stationing an international fleet before that coast.

Would it be wise perhaps, to go no farther for the present? At first sight, indeed, it seems reasonable to assume that if the nations are in favour of initiating the compulsory observance of international law with an attempt in favour of neutrals, there cannot be any objection to the further addition of a scheme for enforcing international awards as well. International arbitration formed the staple of discussion at the first Peace Conference (1899); who could, either in theory or in practice, raise any objection to the enforcing of arbitral awards except this — which is rather an advantage in the present circumstances: — that the use of force would only very rarely be required? Yet this

proposal has already proved to be the fruitful cause of numerous misunderstandings. "No historical ground — it is adduced — "can be found for this enforcement of arbitral decisions." Yet, non-observance of the same has occurred once or twice; as recently as 1908, the Dutch Minister for Foreign Affairs wrote in his orange book that it was doubtful whether a decision obtained against Venezuela, would be observed by that country; and in 1898 there was a naval demonstration on the part of Italy against Columbia from this very cause. "It would be dangerous diplomatically;" would not the cabinets make the painful discovery that not every state believes its neighbour's word unconditionally? And finally — to name the weightiest argument — it is stated to be a "legal impossibility." Yet, it can be irrefutably proved from the proceedings of the second Peace Conference, that national execution of international awards is there considered a natural and unquestionable right. It is possible to consider this triple bond of arguments wholly inconclusive, and yet to be of opinion that as the execution of arbitral sentences is not likely to be of much practical importance for some time to come, it had better be left alone for the present, on account of this pronounced aversion to it. Provided, always, that opponents to the scheme leave it alone likewise, and do not talk as if it were the principal motive for the creation of an international police force.

We cannot, of course, rest satisfied, when the idea

of such an international force has been broadly outlined and discussed in general terms. Much remains to be done before a responsible man dare champion it. The project must be fully thought out, its execution prepared systematically, its consequences — military and legal — examined and clearly stated. The technical knowledge above all, of the enterprising naval and military officer is here indispensable: if only for the question, how the occasional fusion of national naval and military units into an international whole is to be brought about, and for the question what national military expenditure would be obviated by the new project. The body of treaties of the Peace Conferences will have to be supplemented in places, and the laws of various countries will have to be revised.

Is it necessary, however, to sketch the impression which would be made, if the government of any one state were to declare its readiness energetically to co-operate towards the establishing of an international police, if acceptable to the rest of the nations?

Whoever is in the habit of perusing periodicals on the peace movement, will know that all one finds there is: hackneyed commonplaces, nothing new, no perspective. It is the same at interparliamentary conferences. It is not different with the plans of the third Peace Conference. How very different things would be both for the governments, which have to act, and for the nations which look on, if, before this conference is

convoked, a Deed were done, and brought to the knowledge of all, — unostentatiously but firmly — a *Deed* that *would* bring something new; a Deed that would prophecy, that would bespeak firm faith in the new world-order that is being born.

According to serious students of modern History, the world from 1800 to 1860 was slowly but surely moving towards what has been termed a "Union of the States of Europe". The events from 1860 till 1900 — the violent wars in and around Europe, the unprecedented seizure of colonies since 1880 — have shown that this movement had been premature; although the economic unity of the nations — the postal union f. i. — continued to develop steadily. About the year 1900, however, this work of constructing a Union of States was resumed, with more energy, and including states other than European. The question is not, whether we Dutch and whether our foreign office deem such a world-wide organization desirable: it is bound to come anyway. The question is only, whether Holland shall seize the opportunity now, or let it slip for ever. If the New Waterway had not been decided upon in 1863, the Rotterdam of some ten years later could never have claimed a place between Hamburg and Antwerp; it was: then or never. If Jules Ferry and King Leopold had not after 1880 decided upon the establishment of their colonial empires in Africa, France and Belgium could never have gained a place as African powers twenty years later; it was: then or

never. If Holland lets slip this chance of a leading part in the world's affairs at the present juncture; if she does not realize that this, and this only, is the thing that must now be attempted; if she fails to see that this alone can in the long run replace for our army and navy the discouraging consciousness of being too dear and yet not wholly efficient, by the proud knowledge of constituting, without undue expense, a valuable unit of a salutary and attractive whole; that noble task is sure to be taken over by America, or by any other nation, but our part will thenceforth be that of a people whose international activity is forever a thing of the past.

I trust this will not be.

The great powers had to lead in this fresh organization of the world's affairs. Unless they did, the enterprise was foredoomed to failure: Russia took the initiative for the conference of 1899, America took the lead in 1907. But now,—to adapt Joseph Chamberlain's words — now the day of the *small* nations has come. When presently the summonses for the third Peace Conference are issued, may a stirring appeal to bold and promising action originate with: Wilhelmina R.

## II. PAX MILITANS. (February, 1912.)

From: De eendracht van het land (The concord of the country),  
1913, p. 33—46, 61—63.

Whoever wishes to know, in what respect the pre-

sent organization of the world and the work of the two Peace Conferences most need amending, need look no farther than his daily newspaper. To-day he will find a weak nation or a statesman of international reputation protesting against a breach of international law, to-morrow the complaint of some parliament or peace-bureau. But against what? No protest against the violation of some vague ethical principle or the dictates of humanity, but concrete complaints concerning the non-observance of such and such an article of such and such a treaty.

It is easy enough to show where the shoe pinches; it is no more difficult to point out the two remedies — a mild and a strong one — which are necessary to the cure. If only pointing them out were sufficient!

The mild remedy is this, that each of the powers represented at the Peace Conferences be granted the right to lodge a complaint with the International bureau of the court of arbitration, concerning the non-observance — by what state soever — of treaties which have been the result of the said conferences; which complaint would *have* to be followed by a decision by that court, as to whether the party complained against has infringed the treaty or no. This will be impossible while the court of arbitration remains a mere list of names. It will be easy, however, as soon as the third conference will have appointed a permanent International Court of Justice, either from among, or by the side of the present court, equipped with the

means of acquiring reliable data as to the facts.

The strong remedy is enforcement by joint military action. When in 1910 Roosevelt introduced this idea within the sphere of practical politics, it might be called raw and unprepared. But what progress we have made since then! Well-known naval officers have worked out its main principles. Lawyers have elaborated it in connection with treaties already in force; cabinets, at the initiative of America, have had to consider it, and an English cabinet minister has referred to it as a possibility. It is, therefore, not premature to say that, if the project be deserving of approbation, the technical execution, though by no means easy, would undoubtedly be feasible, especially if the solution be based on this principle, that every state would have to place practically its entire fighting force at the disposal of the international tribunal.

But is the project deserving of approbation? Only if a sufficient guarantee can be given on three points connected with the main plan.

In the first place a guarantee for the rigid definition of the scope and extent of such collective action.

When Fried, the latest Nobel prizeman, discussed in his manual of the peace movement this coming international police, he spoke of "the enforcement of the order and security of international intercourse" When the prize was conferred on the Swedish prize-man Arnoldson in 1908, he accepted the same with a speech pleading for the preservation of „universal

peace" by means of a fighting force. When the American Congress in June 1910 pronounced in favour of an international force, it consigned to it the task of "the preservation of universal peace". Well, if this is to be the task of this international force, it will not by any means be acceptable to the small nations. History furnishes us with numberless instances, proving that such a vague charge is a source of innumerable dangers. The "Exekuzion" established by the Emperor Maximilian in 1495, almost immediately degenerated into the arbitrary violation of the rights of the nobility — Götz von Berlichingen! — for its powers were not employed according to clearly defined rules, but according to the Emperor's good pleasure. The attempts, made by the Dutch stadholders in 1618 and 1650 to maintain the unity of the Republic in the face of local opposition and disaffection, excited lasting suspicion for this very reason, that the additional powers, granted to them for this purpose, were not conferred for the enforcing of the articles of the Union, but to ensure "peace and prosperity," or "the public peace". The purpose also of the Holy Alliance of 1815, that source of meddling and interference was "the furtherance of the prosperity of the nations, and the preservation of peace." When Roosevelt himself in his message to Congress in 1904, characterises the war for the conquest of the Philippines and Cuba as "the duty of an international police", he shows with startling clearness how easily such vague formulae sa



the "maintenance of peace and justice" may be turned into sheep's clothing for grasping wolves. When, on the other hand, the constitution of the German Empire in 1871 empowers the Emperor to enforce the unity of the Empire, this authority is carefully confined to the rights and liabilities contained in the same. If therefore, an international police-force is to be created, which will be the protector of right and justice, and not the willing servant of arbitrary power and tyranny, its activity will have to be carefully limited to the enforcing of definite treaties and arbitral awards.

The second question, scarcely of less importance, is who is to decide when this police-force is to act.

This will have to be settled by judges. A permanent tribunal, set up by the side of, or appointed from among the Hague Court of Arbitration, will have to decide, whether the complaint is well founded and the law has been violated. If the decision rests with the Powers themselves, instead of with the judges, international justice will be as insecure as ever. What benefit did Belgium expect in 1911 from the guarantee given it in 1839 by five great powers in exchange for its promise of neutrality? Of what use was the three-fold guarantee which Turkey received twice in 1856 and again in 1878? If the states themselves (their governments) are to decide whether the engine of the law will indeed be put in motion, it is their chance interests at the time being that will decide, not justice.

And in the third place, this international fighting-

force will have to be composed in such a way — a problem hard to solve but not impossible of solution — that it is not within the power of one or two colossi either to cripple it, or to use it as an instrument of tyranny. For that might lead to things such as that sorry fourth crusade, when an army that went out to fight the Saracens, began and ended with a war of conquest against the Christian nations of Europe themselves.

But these three guarantees once given, the value of this international police-force would be inestimable. Inestimable also in an educational sense, for its very existence will teach the nations that states also may commit crimes which cannot be suffered to go unpunished, and that wars for glory and conquest, such as were waged by Charles the Bold, are wholly out of keeping with the international law of our day.

But if it be objected that there is nothing new in this idea of an international police? Grotius already describes in a work of his youth, dating from 1604, a just war (*bellum justum*) as a “*juris exsecutio armata in armatum*”, and in the old museum at Munich there hangs a picture by Rubens, dated 1630, on which “national prosperity” seated underneath a tree, is protected against the ruffian “war” by a goddess of peace clad in armour.

True, the idea is not new; but is it none the less not well worth trying to convert this childlike dream of the past into the noble reality of to-day?

This, however, is not by any means the general opinion. Many of the leading experts, one finds, would desire the third Peace Conference to carry on and complete as much as possible that work of codification and organization which the second Peace Conference has left unfinished. This also is the wish of the committee of the Institut de droit international according to their report of November 1911.

But is this really its best work? Not merely useful, but the most useful and most necessary work is what is now expected from practical politicians. The *corpus juris internationalis*, settled at the Hague Conferences, may be enriched with ever new chapters, may be increased to a complete codification of international law. But after the third conference the protests will be as loud and indignant as after the first and second, of those who complain that the Hague treaties are treated as waste-paper, now by the one and now by the other — and the world looks on helplessly. We shall not be one step nearer to the solution of the question of armaments. And international law, whether codified or not, will be incapable of preventing such contradictions as this, that on the one hand we have a treaty most solemnly guaranteeing the inviolability or the permanent neutrality of a country, and on the other hand the conviction on the part of the government of that country that it would not be justified in diminishing its army by one single soldier on the strength of this guarantee.

It would have been rash, no doubt, to start the work of 1899 with the problem of an armed enforcement of well-defined rules of international law. Arbitration then lay scattered over tens of special treaties; the principles of neutrality and the laws of war, disputed and unsettled, had to be laboriously gathered from precedents and standard works. But the basis which was then lacking, has since been supplied by the conference of 1899 (arbitration) and that of 1907 (neutrality etc.). And the expectant nations now ask, nay demand, that an attempt be made to place the relations between the nations on the same footing of legal security which for the municipal law of each nation is deemed a most elementary requirement.

Are not the times ripe? Have the striking words of the German delegate been forgotten, who said in 1907: "We will not sign a single clause of arbitration, unless we know that the other party accepts as unreservedly as ourselves, the full consequences of the same?" The full consequences, that is: the duty to recognize, whichever way the decision be given, its binding force without reserve. But what security have we if a state hesitate to say: "When sentence has been pronounced in a case of lawful arbitration, force me, if necessary, to recognize the decree; if I violate but a line of a treaty to which I agreed of my own free will, let it be upheld with fire and sword?" Whoever hesitates to sign a treaty or compromise on this basis, promises payment of a bill drawn on him, but refuses acceptance.

In the opinion of many, the scheme spells danger for their national naval and land forces; these, they contend, have no use at the present juncture, for enervating pacifism; rather are they in urgent need of muscle, guns and ships. As if disarmament were our cry! As if the unequal game of chance, which is the unorganized warfare of to-day, can result in anything but discouragement for the smaller states, and sleepless care for the larger ones! As if the very project for which we are pleading, does not involve the necessity of having a first-rate army and navy to show, when the third Peace Conference meets! The very opponents to increased military expenditure, who — rightly or wrongly — discountenance schemes for a stronger army and navy, from which they expect no benefit for the country, may be won, if a reformation of international law opens to them the prospect that their national fighting force will not be money wasted, but will by and by form an element in an organization with a mighty future before it. Even if a certain kind of pacifism encourages anti-militarism, a far more dangerous form of anti-militarism is generated by those who obstinately refuse to recognize that there is *no possibility* of solving the problem of *purely national* armaments.

Or is this enforcement of international law a question which had best be left to the great powers? Indeed, we need not go far back in history for our answer!

After the famous congress at Berlin in 1878, a smaller conference was held in the same city by the five principal powers of Europe in 1880; and those five took upon themselves to lay down the law on the affairs of the Near East, not only for themselves, but for all countries concerned (Turkey, Greece, Montenegro, etc.); in 1881 they smugly signed a "protocole de désintéressement;" and armed with this patent of disinterestedness they sent their fleets to Dulcigno to force upon others the observance of their arbitrary decisions of half a year before. Russia, which in 1898 took the initiative for the first Peace Conference, has not shown herself proof against the allurements of power in Persia and Eastern Asia. The very same American Congress man (Bennet of New-York), who has since March 1910 taken a leading part in the movement for the restriction of armaments, pleads in March 1911 for the peaceful annexation of Canada; and the policy of the United States towards Columbia in connection with the canal zone is well-known.

It is not one or two of the great powers that act like this: — Così fan tutte, they are all alike. Perhaps this is as little to the dishonour of the large states, as it is to the honour of the small ones to be without this hunger for dominion and territory; but whoever cares to face the facts, will have to admit that the world can only be organized, if the small nations play not only a part, but a leading one.

A comfortable theory, it will be argued, for the

smaller states; but will the great powers suffer the small ones to assert themselves thus?

"The great powers", "The European Concert", does not it sound like an exclusive club, does not it sound as if one was speaking of "the Lords" or "the landed interest", a wide variety of personal interest, but the central class-interest kept well in view by all? And yet we know what the great powers are under the present system: enemies, grudging each other the very breath they draw, or friends who never lose sight of the possibility of a breach. The great powers preferred to see the international police-force in Crete (1897) [or in Albania (1914)] under a Dutch commander, the one in Morocco under a Swiss, that in Persia under a Swede. They prefer to see the conference on Bill of Exchange law meet at the Hague rather than at Berlin or Rome, the Peace Conferences and all that pertains thereto, in Holland rather than at Paris or Vienna. All that the small states find to object against the great powers, these have against each other. And truly, not without cause. The Holy Alliance with which the nineteenth century opens, the alliance of the Five Powers in 1831, the joint action against Mexico in 1861, does it not all end in faithlessness and broken friendship? Will then president Taft's plan, objectionable to the small states, to have the *great* powers compose a naval force with the *vague* charge of the preservation of peace, be acceptable to the large ones? No, the great powers cannot benefit by the organiza-

tion of the world, unless a leading part be assigned to those self-respecting small nations, whose interest is never war, but always peace. Why were not the Peace Conferences turned into meetings of the eight great colossi? Why were the smaller fry also invited? Or — to put the question differently — what would Germany say to a leading part, played by France, Russia and England; what would be England's view of a "pax germanica"?

The question might be put even more simply. In all modern states the judiciary has long been wholly independent from the executive and the tendency is still to limit the power of the latter in favour of the former. Why does not the executive retain all this power in its own hand? Because each government in turn fears those that have preceded it, and those that are to follow; because each has self-knowledge sufficient to realize that in the long run the impartial administration of justice is not safe with it. Will not the Powers realize that an organization, taking from them unjust and arbitrary power, not in favour of their rivals, but in favour of all, would change the very aim and scope of politics, would substitute for the jar of warring factions the harmonious development of common interests, would replace covetousness by a love of peace and order? Ceci tuera cela.

But the necessary disinterestedness has hitherto been far to seek. Though in many respects in advance



of the smaller ones, the great powers are all backward in this respect, that the chief aim of their policy is self-aggrandizement and selfishness.

The British nation sets an example to the world in the personal worth of its citizens, their good taste, bold trust in self, their parliamentary life. It has continued to rise rapidly since 1702, while Holland had gone down. Other great nations excel by other virtues. Why then do they not lead the world? For this very reason that each of them is full of egoism; because they cannot even understand, that the energy of the Dutch during Holland's Golden Age had an object, other than the dethronement of older empires with „westward ho!" as a warcry. The great figures in our national history are no Napoleons, no Bismarcks, but a William the Silent, a Joan of Oldenbarneveltdt, a Joan de Witt, a William the Third.

The world has tried to get on with this national egoism for over four hundred years, ever since modern history began its course. Until recent times there was no alternative. The states themselves had to feel settled and strong, before a world-embracing organization could be thought of. This egoism of the nations is no different from what the internal affairs of each country had to show for centuries in the selfishness of their governors: the venality of the Duke of Marlborough, the misgovernment of native rulers in Java, president Castro's bid for wealth and power. But has this egoism of the ruling class therefore been declared

ineradicable? Does not England herself, although a striking example of international egoism, offer us at the same time the loftiest instances of spotless purity in the motives of its public men? Names, honoured by Britisher and foreigner alike: Chatham, the younger Pitt, Wellington, Gladstone, — their policy may have been right or wrong, — yet all without a thought of self: perfectly disinterested. And this would be unattainable in international life? The part of the guard of an excursion train, actively caring for the comfort of that agitated throng of holidaymakers, mindful only of the needs of others; the part of Speaker of some parliament, ever on the watch to allay the raging spirit of party; the part of Napoleon's Dutch general Dirk van Hogendorp, attending the army in its wild flight across the Berezina, providing supper, shelter, warmth, — would such a part be unthinkable among the nations?

To be sure, it is still a far cry from the international law of to-day, with its revolting sanctimoniousness — treading vital rights underfoot, but straining at the most insignificant clause of some unimportant treaty, — to the genuine altruism here adumbrated. But already its spirit is of the past. No legal quibbling, no historical scepticism, can now quiet the national conscience, once it has been roused. Every government, whether it likes it or not, has been compelled to go in for an ethical social policy. No government would now dare to defend the old system of Pizarro and

Van den Bosch, making the colonies a source of revenue to the mother country; ethical colonial policy has been forced upon them. Whether they like it or no, every government will also have to submit to an ethical international policy. Ere long it will be accounted shame, to have stuck out until no choice but submission remained; great will be the honour of that nation, which boldly leads the way.

The generation now living will witness this great change in the international policy of the nations.

Which nation will take the lead? France, America and Holland, all three feel for the part, the part of a Lafayette. Why should not Holland take it upon itself?

### III. THE REFORMATION OF THE LAW OF NATIONS. (February, 1913.)

From: *De eendracht van het land* (The concord of the country),  
1913, p. 68—77, 81—91.

Why is it that such widely divergent opinions are entertained concerning the usefulness of the Peace Conferences at the Hague? Do not both friends and opponents admit that the rules of international law are vague, and that the conferences, in substituting treaties for these vague rules, are productive of good? Both parties admit that as long as states are allowed to take the law in their own hands, the situation is full of danger, and injustice is certain to be the rule. For a big state can easily defend its rights

against a small one: America has no difficulty in maintaining its neutrality, Italy could assert its rights as a belligerent power. But the right of Siam *f. i.* to preserve its neutrality, or Turkey's right to seize contraband of war destined for Italy, what is it, but a pauper's right to purchase what he has a fancy to? If then the conferences attempt to obviate these two faults, replacing vague laws by codification, and arbitrary self-protection (the lynchlaw of the nations) by certainty of law and arbitration, can any be averse to their labour?

No, — if there were not a third problem, one not to be learnt from the transactions of the conferences but from history itself. What the great Powers possess and desire to keep, is the liberty to disregard the Law of Nations, whenever it is opposed to any great interest of theirs; to tear it to pieces, to cast it aside as one casts aside a garment; liberty to tread under foot its dictates for the moment and to score their point: — witness Bismarck, or the war about the Philippines, or Tripolis. When the point has been scored, they return to their old love of international law. Such licence the Peace Conferences cannot possibly countenance in the long run, and it is this licence which the great Powers will never consent to abandon, neither now, nor later, never, never.

Hence irreconcilable discord; hence a seemingly unsolvable problem. A problem which neither the friends of peace nor the admirers of war can afford to

ignore; a problem of the gravest importance; one not demanding sparkling eloquence or sceptic wit, but sober consideration.

The vital question is, therefore, whether the great powers really desire to preserve at all cost the right to injure their neighbours if necessary.

The affirmative answer usually given is based on nothing but a dogma. On the contrary, to the experienced observer there are not wanting signs that a better future is in store.

To begin with, let us but compare international law in the 17th century and in the 20th. Charles the Second and Lewis the Fourteenth, theirs is the time of the might that is right; war for every trifle, treaties concluded "for all time", in the name of "Almighty God", or of the "Holy Trinity", but violated on the slightest provocation. To-day on the other hand, we have a treaty concerning the free navigation of the Rhine, which Prussia would love to rescind, but yet respects, though sorely against the grain, as long as little Holland insists on its rights and refuses to listen to proposals of change. To-day we have a Brussels sugar convention, which in 1911 compelled Russia to keep within its boundaries considerably more than 150,000 tons of sugar, contrary to its interest, and to the provisions of which convention Russia submitted, though with a bad grace. None can fail to recognize here an historical line of vigorous development—de-

velopment in the direction of the respecting of treaties once in force, even though hurtful to national interests, provided always these interests be not considered vital.

Another hopeful sign is this, that it is from the great Powers themselves that the opposition against international anarchy has emanated; that it was they that have realized that the respecting by all of a law applicable to all, represents a higher and more lasting interest — also for the strong themselves —, than the ever present threat of violence by whoever sees an opportunity. Russia took the initiative for the first, America for the second Peace Conference; England and France vigorously contributed to the success of both; and the words of the German delegate who declared in 1899 that his country required neither alleviation of its military burdens nor reform of international law, sounded already in 1907 like a voice from pre-historic times. Of course general disarmament could not be the solution of the problem, for it would give the best possible opportunity to a black sheep among the nations to arm suddenly and bend the others to its will. Proportional disarmament would avail as little: if every country decreased its army and navy by ten or fifty percent — how to find a fair standard, by the way? — the relative strength of each nation would still be the same and their opportunity of doing wrong would be as great as ever. Only an equalization of the fighting forces of all states — a de-

crease f. i. of five percent for Holland and Denmark, but of eighty percent for England and Germany — would lessen the chance of any one state abusing its power; but who would seriously consider such a notion even for a moment? Although, therefore, the Peace Conferences have as yet got no farther than the expression of a wish that a workable solution may be found, the fact that the great Powers also consider the anarchic condition of the world, in urgent need of reform, remains a solid and undeniable fact.

Yet another encouraging sign of progress is to be found in the numerous treaties of arbitration, which have come to stipulate expressly that the signatories will disregard the provisions of the same, if they should at any time appear incompatible with honour, independence and vital interests. Does the reader grasp the great importance of this admission? Just as a bad temper is half conquered when the delinquent confesses to having got out of bed the wrong side; just as an imaginary patient is half cured when he begins to question whether his malady may not be a product of the imagination; so the danger of violence is half averted, when the states are coming to point out exactly, to which provisions they may sooner or later refuse obedience for „higher” motives of self-interest. It would be a sad step in the wrong direction if this proviso were to be omitted again in the future, not, be it understood, because unconditional adherence had become the rule, but under the pretext that it is

unnecessary because inherent in international law.

But convincing above all are the still rare instances of treaties, in which the signatories expressly state that they will be bound by its provisions, even though such observance may seem incompatible with some national interest. The general arbitration treaties of 1911, between America and England and between America and France, — though not ratified through the fault of the American Senate — are the most recent and most striking instance of this laudable endeavour. It is not, as enemies to the system aver, that the state, binding itself to such a treaty, disregards its own vital interests; it only means this, that such a state before binding itself, considers the consequences of the proposed step, and not afterwards when the knot has been tied.

Do not all these signs [to which the Bryan treaties must be added], clearly show, in which direction we must seek for a solution of this unsolvable problem? The third Peace Conference will have to begin by calmly facing this arbitrary use of power by the larger states — the smaller ones generally think twice; it must recognize as a fact the existence of this supposed right based on might, claiming to be paramount to international law. But the next step will be to pare the monster's claws. First one, then a second, still later a third rule of conduct will have to be singled out, of which great and small will be ready to admit that unconditional observance of the



same is to them of more value than conditional adherence. A rule, for the enforcement of which they will as gladly employ their navies as formerly for the suppression of piracy and the abolition of the slave-trade. A rule, concerning which they will gladly declare that they would themselves deserve being restrained, if they should ever violate it — which Heaven forbid. A rule, for the enforcement of which an international force ought to be organized. Though this enforcement will sometimes consist in the execution of an arbitral sentence, it will much oftener be directed against disturbers of the peace, compelling them to keep their hands off other people's property, just as the American police would have separated Messrs. Taft and Roosevelt with no gentle hand, if they had attempted to add weight to their courteous polemic of 1912 by resorting to the equally well-bred expedient of a free fight in public. For the sake of the collective enforcement of such rules, it is of real importance to the world that the navies of the small powers should not be a collection of superannuated rubbish and that their armies should be composed of efficient soldiers. Countries like Holland, Sweden, Spain, and Bulgaria should have navies or armies which no power would be able quite to ignore.

If however, we shirk the inevitable struggle against arbitrary violence, if we prefer to limit the Hague Conferences to the two problems to which they have hitherto been confined (codification without sanc-

tion and arbitration without sanction), if we fail to believe that they are capable of creating a well-organised system of states; then let us bravely acknowledge that such is our conviction; let us confess that it is unwarrantable and even dangerous to keep the old ideal alive and to speak of Peace Conferences. Be sincere, and change the name into „conferences for the codification of international law.” And do not delegate men like Nigra and Von Marshall; we did not need them for conferences about copyright or Bill of Exchange law, neither shall we need them for the simple codification of international provisions. But let us realize clearly that the work will then no longer be sustained by the enthusiasm of the nations. It will dwindle to professional trifling by jurists and military officers. Its inspiring music will become the monotonous sing-song that cheers sailors at the capstan. Whosoever loves to hear the inspiring sound of martial music, let him cling to genuine Peace Conferences; let him demand that each new conference shall wring from the power of arbitrary violence some part of international law, be the progress ever so slow; let him demand the germ of an international police force; let him, in fact, adopt prince Maurice of Orange’s inspiring device: Tandem fit surculus arbor.

But are there really utopians who believe that the aggressive spirit of the strong may be subdued? Live there idealists who are such utter strangers in the

Jerusalem of to-day that they are not only blind to what has happened in Morocco, Tripolis and the Balkan, the failure of Taft's proposal and the bitter enmity of Germany and England; but actually hope to take the first step towards the realization of their ideal in 1915? Poor fools!

If a man calls you a utopian, an idealist, an enthusiast, his words may not be actionable, but still, it is more flattering to be called a rascal. For whoever calls you rascal acknowledges that you are too smart for him; but a utopian among grown-ups is what the village idiot is among schoolchildren.

And so it is only fair to give those who are so persistently called idealists, a chance of defending themselves.

But first a simple question. Have these practical matter-of-fact people ever studied the gradual growth of a great reformation? Under Charles the Fifth the law prevailed: *cujus regio, ejus religio* (religion follows the ruler) and anyone who should then have demanded the immediate introduction of religious liberty all over Europe, would have been justly called an impractical dreamer. And yet, did not William of Orange first conquer for this liberty of religion and of conscience a tiny corner of the world; did it not spread like a consuming flame, to be victorious at last in every part of the world? How much more utopian was the demand for the abolition of slavery in North America, impracticable for reason of law, economics and

politics. Of law, for it attacked the rights of the slaveholders; of economics, for the cultivation of cotton in the Southern States was bound up with slavery; of politics, for if the slaves were to count as real human beings, the majority of Congressmen would be elected by negro states. A more preposterous scheme than the abolition of slavery in the United States had never been heard of — but the national conscience *demand*ed the abolition of the accursed thing, and Lincoln put out his manly strength and freed the slaves.

Poor practical people! They know all the factors that go to make up this world of ours as it really, actually is, all — except only that very negligible factor — the rushing flood of conviction, the exaltation, the ecstasy of those children of the masses to whose receptive minds *that* is often revealed which remains hidden to sage cabinet-ministers and circumspect diplomatists. When the flood swells to a spring-tide, who can hope to stem it with ponderous argument and pedantic objections? What seems to-day but the utopian scheme of mild idealists, may to-morrow be the cause of an inter-parliamentary union; its most ardent champions may there prove to be men who held high office yesterday, or hope to hold it on the morrow. It seems to me that little David has little cause to tremble before the jeering and sneering of the giant Goliath.

But now the defence.

Why is it so easy to gain a seeming victory over en-

thusiasts? Because their aims are deliberately caricatured. What do we hope to accomplish in 1915? Not to see humanity spurring towards its goal of perfect organization; not even to see it safely mounted. We merely hope to provide a stirrup.

Whoever feels alarmed concerning the progress of social legislation in his native country, is not uneasy because such legislation is not yet wholly completed and perfected, but because he feels doubtful whether the start was made in the right way and from the right direction. Those who gratefully acknowledge the great value of Asser's work, do not do so because his Hague treaties already constitute a complete body of international private law — far from it; but because they perceive the excellence of his endeavour and of its first results. Whoever praises the Lombok expedition of 1894 in the Dutch East Indies as the turning point in our modern colonial history, does so, not because of the importance of the island itself, which is but the size of a Dutch province, but because the way in which the operations were conducted proved to be the beginning of a more vigorous and salutary colonial policy. And in the same way all we enthusiasts hope for in 1915, is but a beginning; but a beginning of great, important, and above all lasting changes.

The accusation, therefore, that those who are striving to reform the law of nations are mere enthusiasts, utopians and idealists, must be pronounced not



only insulting but baseless and undeserved. But for this very reason mere defence cannot suffice; there is ten times more reason to turn the tables on our detractors and to accuse them in our turn.

If the continuance and the success of the Hague Conferences is indeed threatened, the fault lies with those over-cautious men who dare not live up to the fair promises of 1898, who cling to names such as "Peace" Conference and Palace of "Peace" to save appearances, but dare not openly appear as reformers; who are willing enough to help create an indefinite number of fair-seeming treaties, and then deny the possibility of securing their being respected. We can bring no graver charge against this show-legislation, unworthy alike of honest men and honest nations, than by reminding the reader of the famous 48th article of the treaty, establishing the Court of Arbitration. This article imposed upon all the signatory Powers to the treaty the imperative duty, whenever peace seems in jeopardy, to call upon the parties to the quarrel to submit their differences to the decision of the said court. And yet during all those twelve years that the treaty has been in operation this famous duty has not been observed once, and any nation which should perform it, would be called a hypocrite or worse. When we Dutch, between 1846 and 1849, sent expeditions against the disaffected princes of Bali (to the east of Java), we made them sign, after their submission, a political contract full of promises of future

amendment, — honey to the government at home —; but it was not considered prudent to require an oath of them; for it was well-known that they little intended to adhere strictly to the terms of the contract, and that they would therefore have absolutely refused to confirm it with their dreaded Hindoo oath. To-day we account this transaction a humiliating chapter in our colonial history, dating from a time when we had to content ourselves with the semblance rather than with the substance of power. Let us refuse to countenance such a policy now in international affairs.

Even if not a single state is willing to help us as yet, ought not we — even we, whose interests are bound up with the cause of the Hague institutions — to try and save the Peace Conferences from this lurking danger: reforms of international law that reform nothing, but in reality leave everything as before. Let us propose the amendment of the said 48th article and of all other articles that have proved shams. Let us demand that an express stipulation be included in the texts of treaties, concerning their violation when vital interests are at stake; this is already being done in arbitration-treaties and should never be suffered to be tacitly implied. We must bring about the establishment of an international police-force to enforce the unconditional observance of some carefully selected rules — preferably concerning the rights of neutrals. Some diplomatists will doubtless complain that Hol-

land through inexperience of "higher politics" is courting destruction and ruining the work at the Hague, but those who are not to be frightened with big words will feel quietly convinced that in the intercourse of nations as in that of private citizens, insincerity and shams are a standing menace to friendship, and nothing endures but sincerity and good faith.

But are there no difficulties?

On the contrary, there are many. The complete organization of that world-wide community, whose basis will be law, whose jurisdiction will exceed that of any separate state, and whose monument will be the Palace of Peace, is a labour full of perils and difficulties. The centre of this new order must be a good international judicature, but who dare aver that international awards already excite such unlimited confidence that even the most delicate questions can be submitted to the tribunals at the Hague? That concerted action of distant navies is practicable, appears every day from plans of cooperation of the British fleet with Canadian and Australian navies, to which a South-African unit may presently be added. But no one would care to deny that the organization of an international fighting-force, composed of the armies and navies of different nationalities will involve the solution of some very difficult questions.

It is for this very reason that the third Peace Conference requires a concise program, no variety of projects, but perspicuity and simplicity. A middle course,



no extremes; neither an international force to guard "universal peace", nor the unimaginative listlessness that refuses to believe in anything, till the energy of others has achieved it, and meanwhile hinders and thwarts wherever possible. This program should be submitted at once to the international committee of preparation, not to have it set aside as untimely and premature, but to carry it through at all costs. No stronger argument in its favour, than the inability of its opponents to suggest any alternative to this international police as a destroyer of modern war. No greater help than the consciousness that such a force is the only way to the gradual realization of the Czar's grand proposal — the prevention of belligerent violence and the reduction of armaments. Through courage and enthusiasm *res parvae crescunt*; through over-cautiousness and sceptic trifling *res maximae dilabuntur*.

Now is there a nation ready to take upon itself this unavoidable task? The answer is in the negative. The world hesitates. The nations still blunder along the old faulty way. The Swedish nation raised in 1912 a princely sum for the building of a battle-ship. The French and Austrians in the same year raised a fund for a fleet of air-craft. Splendid proofs of patriotism no doubt, such as gratify us and move our warm admiration, but not an inch in advance of the Roman generosity that built a fleet to beat the Carthagi-

nian off the Aegean isles. By such deeds the organization of the world is not advanced one step.

What strikes all with impotence, is their unbelief in a better future. "Of course it is only right to make the attempt, but success is out of the question."

Why should it be?

Ten arguments for one.

First objection: The spirit of the law of nations is contrary to it. Not this fancied "spirit", gentlemen, but your own! Your own poor conception of what international law is always to remain.

Second objection: The powerful states will never bow before international restraint. No, not if in accordance with president Taft's formula, it is attempted to make them submit suddenly to a vague international tyranny. But they will be found more amenable, when, with their assistance and approval, a few sharply defined rules are singled out, concerning which, after mature consideration, they will deny to all, themselves included, the right of arbitrary non-observance.

Third difficulty: When one great power, in a case of vital importance, vigorously resists outside interference, the rest of the states will be powerless. The answer is spelt with eight letters: Waterloo.

Fourth objection: The existence of an international fighting force will make the nations lose their trust in self. Answer: self-defence on a limited scale will for some time to come remain indispensable under any dispensation, as precaution against sudden violence.

But this will be very different from the disheartening race of armaments that prevails to-day.

Fifth objection: Existing international law cannot be generally enforced, until a quite satisfactory status quo has been attained; until then the enforcing of existing treaties might sometimes be grossly unfair, and a state which feels wronged by the present status quo is sure to seize any opportunity to right itself. Answer: even within the boundaries of each country the necessity is continually felt for a change in the existing conditions. Hence f.i: facilities for the expansion of boroughs, extending their authority over adjoining rural districts, and provisions for the compulsory acquisition of real property by the State. In the same way the legal removal of international deficiencies will have to be rendered possible (without interfering with the autonomy of each state) by new or rejuvenated institutions of international law. But this cannot be hoped for, until the reign of brute force is a thing of the past.

Sixth objection: The ultimate causes of the serious wars of to-day are not legal questions or questions of small interests, and cannot therefore be removed by international awards. Answer: It is already much, if the *immediate* causes of wars are removed by arbitration; and when arbitration is unsuccessful in a given case, the international force is doubly necessary to prevent the strongest from acquiring by dint of robbery and sheer hard fighting,

advantages to which he can lay no legal or moral claim.

Seventh objection: Most of the leading men of the two previous Peace Conferences, of the Court of Arbitration and of the Institute for International Law, still feel very doubtful about this international police. Answer: What else was to be expected? Is it at all unusual that new ideas should be better received by the young than by those whose entire meritorious life has been spent in a very different atmosphere? Will considerations such as these ever keep anyone back from legal reform at home?

Eight objection: For three hundred years projects have been framed for the enforcement of international rules against sovereign states, and they have never proved anything but learned curiosities. Answer: were old-age pensions impossible, because Defoe unsuccessfully suggested them two hundred years ago? Cannot altered conditions render possible what was impossible in the past?

Ninth objection: Remember the "armed neutrality" of 1780 and take warning by the lesson it has to teach. Answer: this alliance for concerted military action differed in each of its two essential points from the international police here recommended. Firstly it was no impartial enforcement of international law, but a selfish alliance against England. Secondly, not proved violations of international law, but the interests of the allied states decided as to the commencement of military action.

And finally the tenth and most important objection which partly involves the two last: It is this, that the plans for an international police, designed by the dozen by l'abbé de Saint-Pierre and others, and which have all proved abortive, are pronounced to have been at bottom identical with the present proposal.

How often will the answer to this objection have to be reiterated? And yet the question is so very simple.

With whom does the decision as to the employment of armed force rest in Saint-Pierre's scheme? With the states themselves. That is to say, they use this weapon, when it is agreeable to their own interests, — witness the Crimea. And they neglect to use it, when it is contrary to these, — witness Tripolis. Even a guarantee in its most positive form such as is contained in the treaty of Paris between France, Austria and England of 15 April 1856 concerning the integrity of Turkey — “Toute infraction” (on the greater treaty of Paris) “sera considérée par les puissances signataires . . . . comme casus belli. Elles . . . . détermineront sans retard entre elles l'emploi de leurs forces militaires et navales” — even such a guarantee as this is useless for the enforcement of international law, because it is the states themselves which decide, whether or not the time for such armed interference has come. And just because it was the states themselves, with their own interests, their own alliances, their own ambitions, their partiality in a word, this guaran-

tee has proved worse than useless for Turkey, and this also is the reason why Saint-Pierre's project has come to naught.

According to the present scheme on the other hand, armed enforcement of treaty and law will only be resorted to, when an impartial tribunal has decided that such enforcement has become necessary. And justice will then be done without fear or favour. It is therefore the same contrast that, on the one hand rendered Grotius's scheme — the quarrel between two Christian states settled by the other Christian *states* in council — impracticable, and on the other hand gives vitality and reality to the Court of Arbitration of to-day — the differences between states judged by impartial *individuals* irrespective of political considerations. This difference cannot be termed either small or difficult to understand.

What then remains of all those objections, prophesying disaster for an international navy and army? Nothing but the argument of the apostle Thomas: Except I shall see it before me, I will not believe.

But remember this: Senile inactivity on the part of the third conference will not smother the cry for *peace*, which rises in ever louder tones from the four corners of the earth. It may, however, prove fatal to the *Peace Conferences*. The opposition to war and to the burdens it lays on the nations may be buried twenty times, yet it will rise again from the dead as often. If it is attempted to make of the Palace of Peace, on

which Bezaleel and Aholiab are leaving none of their arts untried, the illustrious habitation of the equally impressive as illustrious Permanent Board of the Court of Arbitration, if the Peace Conferences in the Knight's Hall at the Hague are reduced to lawyers' conventicles for the registration of treaties without sanction, the time will soon come when public opinion will ignore both, and will resume the work — the real work that is meant to be taken seriously — in some other town or capital.

Can it then be doubtful what nation's natural duty it is to breathe life into the third Peace Conference?

#### IV. LIMITATION OF ARMAMENTS. (April, 1913.)

From a paper, read before the Dutch Institution of Naval Officers.

Why is this question of the limitation of armaments so much more difficult than any other problem for which the Hague Conferences are trying to find a solution? To put it briefly: because it is safest to leave well alone, until better is provided.

One need not be an anti-militarist to realize the danger of all those large armies and navies and the enormous expense they entail. But as things are, they are simply indispensable to safeguard the rights of each state. That the instrument is far from perfect, we realize daily. For the small states it is insufficient, for their armies and navies are apt to prove inadequate,

when called upon to defend their rights. And for the large states it overshoots the mark, for in practice first and in theory after, they come to look upon their armaments, not only as a means to defend their *rights* when threatened, but also as a means to enforce their own will and selfish desires, as a defense of their national *interests*. I am therefore inclined to think that, if it were only generally believed possible to get a better organ for the safeguarding of national rights instead of this faulty and dangerous system, — if another visit from Fohi was expected, and it was possible to prefer three wishes to be instantly fulfilled, — the general request would be (to put it popularly) for: one international code of laws, one international court, one body of police, with authority over all. One code of international law, in order that we may possess carefully tested and strictly defined rules, which all states in their international relations will earnestly desire to see respected, always and by all. One court, to settle all doubtful points and differences of opinion, which will occur even after the careful codification of international law. One police-force at last, in order that recalcitrant states may be sternly forced to observe these rules, whose inviolability is desired by all. Supposing that, as I firmly believe, such a system should be practicable without an attempt at forming a world-federation and while scrupulously respecting the sovereignty of each state — since no state would be subjected to any rules to



which it has not freely given its assent, — the rights of each state would be much better secured and guaranteed than they are at present.

But have the Peace Conferences already done anything in this direction, and if so, what? For the Czar's aim in 1898—99 was not to elicit declarations of sympathy, but to incite to deeds.

By common consent the codification of international law was taken up at once in 1899, without an attempt at world-federation. The work of the Hague Conferences was even continued in London in 1908—09 with laudable impatience. Even though it will still be a good many years, ere this work of codification will be completed in outline, the continuance of this labour is certain.

The question of a common court was more difficult. There were experts — practical men as well as scholars — who at once pronounced the idea inadmissible. The French professor Dupuis and Herr Perels of the German admiralty expressed their opinion that an international prize-court was a foolish illusion; but already in 1907 over twenty states concluded a treaty for its establishment. One of the German delegates at the first Peace Conference (Von Stengel) maintained till his death that even an international court of arbitration is a juridical monstrosity and logical impossibility, and yet the court at the Hague has existed and worked for eleven years, its opponent thus reminding us of those Russian soldiers in the Crimean war,

who stood their ground so firmly that they did not even fall down when shot dead.

Yet, in spite of much opposition, arbitration is slowly gaining ground — again without an attempt at world centralization —; and the method adopted is instructive in two respects. To begin with, great leaps have been avoided; both as regards the composition of the court and with respect to its powers, we have been satisfied with small beginnings. And the other side, no less instructive, is this, that we have not said: “first complete the codification of international law — say in 1980 — and then start on its judicial application: arbitration.” It was understood from the beginning, that we ought to start building from two sides at once.

A start having been thus made with a common code and a common court, something similar would naturally be expected for an international police. Why, then, are things different in this respect? Why have the Peace Conferences done nothing towards the realization of this third desideratum?

In consequence of a false theory, I believe. A false theory which soldiers, diplomatists and jurists imbibe from the start, when commencing the study of international law: the theory according to which international law, in contradistinction to all other law, is a law without a sanction. I never hear this theory advanced without thinking of the astonishment of the *Bourgeois Gentilhomme*, who does not trust his

ears, when told that he has talked prose for forty years. Just as good M. Jourdain spoke prose and knew it not, international law has its sanction, its enforcement, though few know it. This assertion — which is fortunately supported by recent authors —, might seem over-bold and incomprehensible, had it not received the emphatic support of the Dutch Minister for Foreign Affairs van Swinderen, who said the same thing in March 1913 in an interview which in Holland attracted general notice.

Are examples required? I shall silently pass by the enforcement of violated international law by the wronged state itself. This is scarcely more than taking the law in one's own hands in its most primitive form. But on April the 15th 1856, France, England and Austria bound themselves by treaty, in the event of any of the articles of the great treaty of Paris of March the 30th 1856 being violated at the expense of Turkey, to oppose that violation with their entire naval and land forces. In 1907 Russia and England guaranteed Persia's territorial integrity; four other countries do the same for Norway in the same year, which means that whoever violates the said integrity gets into trouble with the guaranteeing powers. It is the same with the neutralization of Switzerland, Belgium and Luxemburg; to which however this special stipulation is added, that these countries are to refrain from all offensive military action, and are to remain permanently neutral. In the same way, practic-

ally, the United States have repeatedly promised support to any South-American state, attacked by a European power for any cause but unpaid contractual debts. The European Concert, also, has frequently given what practically amounted to a guarantee for the observance of what it considered international obligations. And history tells of the Crimean war, in which England and France protected Turkey against Russia, of the international campaign against China in 1900, and of the naval action of 1902 by Germany, England and Italy against Venezuela. A sanction, an international police action, therefore, is well-known to international law.

But to what does it amount in practice?

To very little indeed!

It is a sanction to which no one dare trust.

Belgium and Switzerland arm as heavily as if no guarantee existed; Turkey has suffered more from the three great states which guaranteed its integrity in 1856, than from anyone else. Persia is being devoured economically by its guarantors themselves.

The reasons are obvious and threefold:

1. What is enforced is not the law, but arbitrary decisions; not unwritten international law or written treaties, but Europe's wish. How little this need coincide with international law, would be felt, if this wish — imposed on a sovereign state against its desire and in spite of its protests — should concern not Dulcigno

(1881) or Antiwari (1913), but Hook of Holland.

2. Those who enforce, are not impartial. On the contrary, they are the parties interested.

It is easy to see how easily the boundary of self-interest and egoism is then crossed.

3. The decision as to interference or non-interference is taken by the various foreign offices. The result being that they either wink at patent injustice, because it is not in their interest to interfere, or else pry and meddle in things that have nothing to do with the enforcement of international law. When the Emperor Wilhelm on the occasion of the festive gathering of the world's navies at Kiel in 1895, expressed the wish that the united fleets might one day be permanently called upon to carry out "Europe's mission of civilization", he wished without knowing it, for the most arbitrary abuse of power. And when president Taft and his minister Knox proposed to entrust to an international fleet the maintenance of "universal peace" they only attempted all unconsciously, to render permanent the tendency of to-day to interfere for good or evil in the affairs of others, instead of creating an organ whose action would depend on the bare fact that the law has been violated.

Is it not clear as day by what means — and by what means only — all these shortcomings, inherent in the legal sanction of to-day, can be remedied?

1. What is to be enforced is: a treaty ratified by the

state itself against which it is enforced. In this way only can abuse of power be obviated, and the oppression of the sovereign will of small states be prevented.

2. It should be enforced by the states collectively (all the 44 of them or practically all) with practically their entire fleets and armies. This is the only way to prevent a police action from serving covetousness and ending in conquest. This is the only way to ensure that this force shall be strong enough also against England, Germany or America. This is the only way of avoiding the cost of an international fleet of hundreds of vessels, by the side of the national navies of to-day.
3. The decision concerning armed police action is to rest with an impartial authority, with an international tribunal for choice. Not one diplomatic despatch should be exchanged, not one secretary for foreign affairs consulted. As the guard's green flag starts the train, the international fleet should act only at a signal from this international tribunal which consults not governments but treaties. As often as it is doubtful whether a treaty has been violated, the enforcement of which has been entrusted to the international navy — f. i. whether a blockade directed against Germany, which should be extended to our half of the Dollard, would be a violation of Dutch neutrality — the international tribunal will refuse to interfere

on the same narrow principle that guides our penal law, to wit: no punishment for transgressions against which the law does not specially provide.

Introduce these three correctives into the existing practice, and the legal organization of international life will be settled for good and all.

Or shall we have to wait? To wait till the codification of international law will be completed in 1980, and the international administration of justice perfected in 2060? But in the case of codification and arbitration the building was commenced from two sides at once, it being realized that the rearing of one side only would result in a useless and unstable fragment. Does not the same argument apply to the enforcement of international law? Will anyone, when a battleship has to be built, first have the hulk constructed; when that is finished, the engines; then the electric apparatus; and finally the guns and the turrets? Then why do so in this case?

While listening to this argument, the auditor may be inclined to think: the idea sounds plausible, but what do the experts say about it?

Most experts, it is true, hesitate or declare against it. They know things as they are; they find it difficult to force their inclinations and sympathies to contemplate a new state of things. They often judge the proposal, not as it actually is, but, prejudiced against the word "international police", they speak of all sorts of objectionable proposals which might indeed be con-

nected with this word, but which I should deny and combat as earnestly as they.

But the proposal also has its advocates.

Among military men: the American naval officers Kinkead and Goodrich in their well-known articles, the Dutch naval officer Van Asbeck, and the late Dutch general Den Beer Poortugael.

Among statesmen: Roosevelt and Taft, whilst Sir Edward Grey expressed himself in 1911 in a manner which scarcely seemed to veil his sympathy.

Among students of international law: the distinguished English writer Lawrence, and the German professor Schücking. Whilst the former declares that such an international police-force is bound to come, the latter — who has his own plans for the third Peace Conference — openly avows that if we should really succeed in creating such an “Exekutive”, this would mean an advance of immeasurable possibilities.

Of course an international police, just like an international court, will only be established after overcoming legions of objections, partly fictitious, partly real. And what I am afraid of is, that many will believe that we are heading for a system of coarse materialism, which looks upon treaties without an executive to enforce them, as waste paper; which denies and destroys the moral force of treaties. Who ever heard, they will ask, of an organization dependent for its existence not on co-operation and goodwill, but on the force of arms alone?



This argument, I believe, shows a gigantic misunderstanding concerning the institutions under which we live.

Are our bye-laws, our provincial ordinances, our Acts of Parliament as firm as rocks or as weak as water? Neither the one, nor the other, I should say. In ninety-five cases out of every hundred they are observed voluntarily; in the remaining five they have to be enforced. To enforce the bye-laws regulating the traffic in our streets in the teeth of the active opposition of the public, would be impossible. It would be the same with the collection of taxes. But does it follow that we can do without any compulsion at all? Of course not, for once the restraint is removed, the five cases will presently increase to 25, by and by they will number 50 or 75 or even more. If my neighbours do not pay their taxes and no action is taken against them, if they drive their motorcars furiously and go unpunished, if they neglect their military duties with impunity, I shall probably succumb in the long run to the temptation of paying no taxes, driving furiously and keeping out of the army.

It is the same with the states to-day. We gratefully acknowledge that the willingness to adhere to the provisions of treaties has increased considerably since the 17th century, which saw the birth of international law. But is there no danger, on that account, in the possibility of violating these treaties with impunity? The same professor Schücking whom I mentioned just

now, tells in his book, published in 1912, that a prominent countryman of his once said to him: "As soon as the war between Great Britain and Germany breaks out, England's first act will be to blockade the Dutch and Belgian coast, contrary to all treaties." If this opinion is general in Germany, will she not try, in spite of treaties, to forestall her enemy? The reason why England and Russia have devoured Persia between them contrary to their own guarantee, is no other than that either was afraid to keep her promise, lest the other might steal a march on her and bolt the morsel whole. We all remember how difficult it was for the Afrianders in the Boer War to treat their prisoners of war in accordance with the rules of civilized warfare, when the British increased the efficiency and mobility of their forces by a less scrupulous treatment of their captives. But if each was sure that the other party would have to respect the rules of international law, would there not be far less temptation to deviate from it in their turn? The spectacle of an international fleet before Antiwari (1913) goes to prove that a great power (Austria) can be held in check, provided it feels assured that the others are being kept in hand also.

Once we have seen an international armament twice or thrice enforcing a piece of international law, once we have understood that, owing to its vast numerical superiority its action will almost always be wholly preventive, once we have come to realize that the one is

held in check by preventing the other from doing wrong — we shall be found ready to a man to co-operate towards the realization of this scheme for the establishment of an international police-force.

## V. THE OPPORTUNITY OF THIS SOLUTION. (May, 1913)

From a public debate on international police.

In order to make clear the necessity and the opportunity of giving this solution to the question of war and armaments, it seems only necessary to point again to that great line of development, along which international law has moved since its birth in 1625. In Gro-tius's book, which appeared in that year — a book which accompanied Gustavus Adolphus on all his campaigns, international law still appears as an ideal law, an exalted natural duty, which meets the unrestrained licence of the day with a stern "Thou shalt" and "Thou shalt not", a sort of Ten Commandments in fact. As international law gradually strengthens its hold on nations and governments towards the close of the 18th and the commencement of the 19th century, it becomes a kind of Magna Charta, a sort of constitution, a constitution however which — quite different in this from the Constitution of the United States — cannot be pleaded in a court of law: its binding force and the claims it has to respect are readily admitted, but no means are provided to prevent it from

being continually violated and ignored. Now it is interesting to observe, how during the last twenty or thirty years international law has at last come to be regarded as quite an ordinary law, as a law for all nations, to be as strictly observed as the penal, financial and military laws of each separate state.

Take as an example the two writers on international law that are perhaps most highly appreciated to-day, Von Liszt of Berlin and Oppenheim of Cambridge. Both expressly question, whether the opinion of the classic authors on international law, that the enforcement of the same is neither possible nor desirable, still holds good. And both deny that such is the case. The German answers (1913) "Like all other law, international law possesses this characteristic, that it has a power behind it which can compel its observance, to wit, the international Community of States itself, which has the power to compel a recalcitrant state to fulfil its obligations." And the Englishman writes (1912): "There cannot be the slightest doubt" that, according to the "common consent of the Community of States . . . the rules of international conduct shall be enforced by external power", exactly like all other law; only, the machinery acts faultily, because "there is no central authority to enforce those rules", and everything therefore depends on "self-help and intervention on the part of other States which sympathise with the wronged one."

Evidently statesmen are beginning to think in the

same way. In the treaties of the first Peace Conference the question of enforcement is never mentioned; whereas of the fourteen treaties of the second Conference there are five which partly provide for the possibility of the violation of certain specified clauses (a *compromis* drawn up by the court, military action subsequent to a refusal to submit non-payment of contractual debts to arbitration, damages for the violation of the rights of war by land, the maintenance of neutrality by land and sea).

There is one great "but" however. As long as these authors and these governments are forced to admit that the machinery for the enforcing of these things is still absolutely defective, these new views will remain of very little use. We still lack as much as ever that guarantee which, as Léon Bourgeois recently pointed out once more, will necessarily have to precede all limitation of armaments. And in spite of the excellent neutrality-treaties of the second Peace Conference, we have in this respect got no farther than before these treaties had been concluded. Only an international police-force can provide that security, deemed essential by Messrs. Oppenheim and von Liszt.

Now opponents usually object, that the advocates of such a police-force attempt to create by means of organization and restraint what can only develop voluntarily and spontaneously: it is, as a famous

Austrian professor expressed it the other day, not a problem of mechanics, but of ethics.

I am inclined to think that this comparison is faulty. Is it not rather our aim to arrive at ethics *through* mechanics; *through* due international organization to strengthen the conviction, that peace and co-operation are in the long run of most advantage to all?

When we are at the station and a train comes in, which is already too crowded to carry all the passengers that are waiting on the platform, we generally manage to preserve our composure. Why? Because we know that the service is properly arranged, so that there will be another train soon, or that the station-master will take steps to send us on, so that we are sure to reach our destination — though not, perhaps, at the hour we had proposed. Why, on the other hand, do we find even ladies and gentlemen fighting for seats on special occasions, such as the funeral of a royal personage or a students' historical pageant? Because it is believed that the company will not be able to cope with the traffic and that, if one wants a seat, it will have to be won by main force.

It is the same with states. When there is no organization, the states feel insecure and suspicious and try to score their point on the sly, because they do not believe that they will be able to gain their end by fair means, and live in hourly fear of being forestalled. If Germany really fears that England will violate the neutrality of Holland and Belgium in case of a war,

will she not try to be beforehand with her enemy? and would it be indifferent, even to a great power like Germany, if such violation were rendered impossible by an international police-force?

I am therefore of opinion that every scrap of codification, every scrap of administration in common, every scrap of administration of justice and police that we can manage to add to the international code, will contribute to replace the prevailing tendency of the nations to take the law in their own hands, by trust in legal organization, which is every bit as possible among nations as among the citizens of one country, will help to increase the preference for international inquiry and understanding, will help to prevent these from remaining isolated institutions leaving everything else unchanged, and will in the long run effect a great change in the spirit in which nations and governments will approach international questions. It will not be easy to induce the nations to elaborate a system by which the pacific solution of various international conflicts of to-day would be rendered possible — such as an institution that would act as the law on compulsory purchase for the common benefit does in municipal law —, as long as the strong can still take the simpler way, and take Naboth's vineyard by main force. Once a legal system begins to develop, however, there will arise a growing desire to find rules for the amicable settlement of such differences, in preference to resorting to violence and rapine.

Others object that the advocates of this plan count for the enforcement of this legal organization on the very states against whom this organization is required.

This argument would be sound, if there was indeed no choice but between the enforcement of international law by the individual states on the one hand, and the summoning of an impartial judge from Mars on the other. If this were so, the problem would indeed be impossible to solve. I beg to point however, to a third solution, to which the modern form of international arbitration draws our attention.

As long as the current view was — as in Grotius's days and a long time afterwards —, that quarrels between states could only be peacefully settled by the other states themselves, the question of impartial international arbitration was indeed unsolvable. But it has become easy, since it has proved possible to have international differences settled by a separate tribunal, created, it is true, by the states themselves, and therefore in accordance with their sovereignty, but composed not of states, but of independent individuals. The same thing exactly applies to an impartial international police. This institution will only be possible, if directed by a board, created by sovereign states and maintained by them, but consisting of independent individuals, and therefore withdrawn from the influence of national interests and national secretaries for foreign affairs.



Is it not desirable — it has been asked — to provide first this legal organization, before setting up a police force to protect it? Should not this international constitution be set up — a complete code of laws and a proper administration of justice —, before the enforcement of the same can be taken into consideration?

I heartily concur with this opinion, provided the previous codification of international law be not required with regard to points which have nothing to do with the introduction of a definite portion of international police.

When, after the second Peace Conference, at which the establishment of an International Prize Court had been decided upon, England took this ground that it would never do to give this court jurisdiction over such important questions as captures at sea, until the international law which it would have to apply had been codified at least in outline, — this resistance was surely not intended to defer the creation of this court until every question of international law, though unrelated to the matter in hand — as, for instance, the rules about diplomatic ministers, about sea fisheries, about subjects and aliens — had been solved and codified. Once that part of the law of nations, to be applied by this court, has been codified, we can establish it, just as we shall welcome the jurisdiction of other international courts on other chapters of international law, once these chapters have undergone similar codification.

It would be most dangerous, to let the establishment of an international police precede codification, but it does not follow that this force need wait till such codification will be complete, fifty, or eighty, or a hundred years hence. The practical and sensible course is, to place each chapter of international law, once its codification is an accomplished fact, under the care of a tribunal on the one hand and an executive on the other.

Others again emphatically deny that the law of nations is, in its present stage, a mere collection of rules, which the states acknowledge, indeed, on paper, but habitually violate in practice, so that we should be justified in speaking of international anarchy.

They oppose this doctrine by asserting that civilized states, feeling bound by the moral force of international law, observe its dictates even to-day; that instances of the violation of unwritten law and written treaties are non-existent among honest states. With especial regard to the laws of neutrality, this argument is added that, if a state should feel tempted to disregard such laws, a simple way is always at hand. It can always declare war on the neutral state and thus obtain a free hand. So there is no temptation to violate international law for this reason.

I can only reply that this way of representing things is directly opposed to what we see happening around us daily.

If it be true that a state would never violate the neutrality of another state, because it is easier to declare war on it, and if a belligerent so readily issues a second declaration of war, why were the Peace Conferences at such pains to fix rules for the observation of neutrality and to provide against its violation? And why do more or less serious cases of such violation occur in every war?

I understand as little how anyone, acquainted with the history of the last sixty years, can seriously maintain that the other dictates of international law are also being strictly observed to-day, the civilized states being conscious of their restraining moral influence!

This view seems to me as little consistent with the truth as another objection.

War, according to the propounders of this doctrine, is a phenomenon, like a thunderstorm or a cyclone. Disliking thunderstorms, we devise a lighting-rod to minimize its dangers, and take climatological measures to lessen their frequency, but nobody thinks of abolishing thunderstorms. Well, it would be as foolish — they assert — to attempt to abolish, or to tie down to rules, this violent international commotion, this thunderstorm, which we call war. Once war breaks out, it destroys all existing institutions, the nations are at each other's throats, and any neutral power that gets mixed up in the fray, is dragged into the fight willy nilly. Treaties and arbitral

tribunals are of no use. They are torn into fragments.

Is this in theory and practice, the real state of affairs to-day? In 1912 the Institute for International Law accepted at its congress at Christiania a project for the regulation of the effects of the outbreak of war on the existing international relations. The very first article of this project provides that the legal relations between the contending parties will remain unchanged, in spite of the fact that they are at war, deviations from this principle being definitely stated in the ensuing clauses. This is the very reverse of the thunderstorm and cyclone theory. Did not we see Turkey prosecute its suit against Russia at the Hague during the Balkan war? The matter had once been laid before the Hague Court in due form, and was proceeded with without reference to the will of either party. Supposing for a moment that Turkey and Greece had been involved in a suit before the Hague Court at the outbreak of the war, can we imagine that the court would have consented to regard the matter at an end? Unthinkable! the matter would have been proceeded with just the same.

When, therefore, we ask, how theory and practice alike view the wars of to-day, we find, I believe, 99 out of every 100 wars regarded as the effect of cool military and diplomatic calculation, having nothing in common with explosions and natural phenomena. Whereas in former days it used to be thought natural that, when a state considered its vital interest at

stake, others were expected to yield in silence to this natural force, the modern standpoint often is that outsiders are quite capable of deciding whether these vital interests are indeed in jeopardy, and that these interests supposed to be vital, may be safely ignored in many cases. It is becoming rather common for states to agree by treaty to submit all their differences to arbitration, with the exception of such as involve vital interests, but to make the addition that three or more specific groups of interests are never to be considered vital. It is also often provided in general treaties of arbitration that vital interests will not, indeed, be submitted to such arbitration, but that not the party interested but the tribunal itself or an impartial committee will have to decide whether an appeal to such interests is justified or not. That is to say, that an appeal to these vital interests is not regarded in the same light as the necessity of lawful self-defence, but is considered as a strong diplomatic and economic argument, to which due weight should be accorded, but before which an organized community is by no means bound to yield blindly.

Does it follow from this, that war can never bear this character of an irresistible cyclone, before which we are powerless and against which even an international police force would not know what to do?

Assuredly not! One or two percent of the wars of to-day are indeed of this kind. But let me add at once that most of the examples usually given are anything

but felicitous, which proves that good instances are not so very easy to find. To begin with the Balkan war of 1912, everybody knows that it broke out, not because the Balkan states wished to act in opposition to treaties and international law, but because the treaty of Berlin had existed for years, without being observed, and the bad feeling thus created had added so much fuel to the fire as would never have been possible in a well-ordered community of nations. And if, on the other hand, such wars are adduced, as constitute the most brilliant pages in the history of many nations, or as the American war of secession, it will generally be found that they were intestine wars, revolutions within the state, which are not affected by international law, and which international care could not have prevented. But is there one man among us who would say that we had better not revise our Dutch constitution or attempt to perfect our provincial and local legislation, because there might be a revolution one day, and then there would be an end to municipal law anyway? In evolving our constitution we do not, indeed, deny that there might ever be a revolution, spontaneous like an eruption in nature. But the chance of such a revolution ought to be so very slight that we construct society as if there was no possibility of violent change.

And so we should have every reason to be contented, if, for the anarchic conditions of to-day, in which 99 percent of the wars, that threaten or break out,

are the result of cold-blooded calculation, we could establish an ordered international community, in which such wars would be either wholly prevented or bridled, even though we should have to own our helplessness in regard to those rare wars which are the result of genuine war-fever.

It is, however, to this latter remark that we must look for an explanation, why so little has hitherto been done in respect to international organization, and why the public at large are inclined to be sceptic as to the possibility of a future organization to put an end to war. The reason is that, as long as there is no organization, matters are suffered to take their course, until they are brought to a head, when the great powers are suddenly brought face to face with a most complicated problem. And then it is asked: do you really think you could stop *this* war by means of an international organization or police-force? The natural answer is: does any one expect to stop yesterday's murder by the industrial school we are building to-day? No! We are building that school, in order that the rising generation may be pervaded by a better spirit, so that murders and murderous assaults may become rarer in the future, or disappear altogether. But if it is desired to prevent wars in like manner, we should not, of course, commence with the most complicated questions, such as the rivalry between the European Powers or the Eastern question, but with the simplest cases, just as the question of arbitration was first approached from

its simplest side. Else we should be like parents who should start their little boy on the differential and integral calculus at the age of seven, and then say, if the child made nothing of it : he has no head for figures.

I have no other answer to those who believe that the establishment of an international police-force would desecrate the moral force of international law. The whole argument about the observance of international law from ethical motives, so contrary to the facts, can only be defended by turning the matter upside down, and by refusing to call that international law which is on some occasion or other disregarded.

I honestly believe that the Peace Conferences are doomed, if we continue to manufacture treaties, of which all the civilized world — diplomatists among the number — frankly confess that the greater part are ignored, either entirely or as regards some of their important provisions. It is bad enough when fourteen conference treaties are thus dealt with, but what if the number increases to a hundred or a hundred and fifty? Moreover — as I have pointed out before— as long as we have no executive to enforce these treaties, but only voluntary observance from conscientious motives, there can be no question of disarmament even on the most limited scale.

Or is it to be feared that the international boards



which control the action of the international army and navy, will abuse their powers to attack, rather than enforce international law?

But what conceivable motive could such an international board of admirals and generals ever have to do anything of the kind? In the case of individual states it would be perfectly natural; but as little as it has ever been feared that an International Court of Justice or an International Prize Court will develop a tendency to violate international law, as little need we fear this with respect to an international police board composed of carefully chosen individuals.

## VI. INTERNATIONAL POLICE AND PACIFISM.

(August, 1913)

From a paper, read before the XX<sup>th</sup> International Peace Congress at the Hague.

The unceasing opposition to the idea of an enforcement of international rules on sovereign states shows once again that if there is in the province of pacifism a problem which recalls Spinoza's words "neither to ridicule, nor to decry, nor to detest, but to understand," it is without doubt, this question of an international police. I know but too well, in what respect this project inspires numbers of pacifists with hatred and disgust. I know that many of them look upon it as tending to the suicide of the pacifist movement. I have again and again experienced the

bitterness of the reproach, that instead of overcoming violence by virtue, by justice and charity, instead, therefore, of overcoming evil with good — this international police is an attempt to triumph over violence through violence itself. And I can fully understand that the veterans of the cause ask themselves: "What will our adversaries say to this project?"

But I have no choice. If I could bring myself conscientiously to believe that it would be possible to pass without an intermediary stage from the present armed peace to arbitration joined to disarmament; if I could believe that the Peace Conferences have only to choose between the iron age of to-day and the golden one of to-morrow, my sympathies would be wholly with them. But much as I regret it, I do not believe that these are the alternatives between which we have at present to choose. Universal peace, I believe, will be the consequence of other things besides international arbitration only; without an international police the thing is impossible.

The central problem of disarmament and pacifism is like a struggle against a double-faced enemy: a Great Illusion and a Great Fear. A great illusion on the part of those nations that are arbitrary, selfish and bellicose. A great fear on the part of the small nations, the fear of a criminal attack with the object either to snatch from them part of their territory, to impose upon them by force the will of an alien conquer-

or, or to violate their neutrality in war-time; the fear therefore of international rapine, murder and blackmail.

It is this which necessarily determines in practice the efforts of the pacific movement. As things are, the sole safeguard against these ever present dangers is formed by the national armies and navies. If the Peace Conferences wish to induce the Powers to disarm voluntarily and gladly, their first duty is to shelter them from these dangers by giving them a guarantee, either equivalent or superior to that which the nations possess at present in their national armaments. I believe that the whole question of disarmament is contained in this.

Now, the system of arbitration as such, of arbitration only, cannot supply this guarantee. It cannot do this if arbitration stops at questions of vital interest, honour and independence, that is to say if that part of the body where the disease is most firmly rooted is excluded from surgical operation. To aspire to disarmament under these conditions, is — until the coming of the golden age, — like seeking the philosopher's stone.

Not even compulsory and universal arbitration admitting of no exception, could furnish this guarantee. It only supplies a probability: instead of removing dangers, it only lessens them considerably. Suppose for a moment that one universal treaty of obligatory arbitration should embrace all the states of the globe, and that France should then be invited to dis-

arm. She would naturally inquire if it would henceforth be impossible for any state, preferring its so-called vital interests to its solemn engagements, to take the law into its own hands and attempt a sudden and violent attack. No, would be the answer, that is not impossible, but it is an odious supposition, an improbable act of perfidy, we hope, we trust, we may flatter ourselves . . . . But this is not what France wants. She would only exchange the security, supplied by her national forces for a security of a different nature. It would therefore be unwise to propose that she shall disarm after arbitration has been instituted. Neither would it be wise to ask her to introduce disarmament and arbitration simultaneously. The great Powers will never disarm, until they have seen, felt, experienced that the dangers which they dread, exist no more.

This is the weak spot of the system of arbitration only. This is why responsible governments continue to assert that military expenditure is an unavoidable insurance premium against international arson, against which arbitration is of no avail. This is why the enemies of disarmament are never weary of repeating that differences of secondary importance may indeed be solved by means of arbitration, but that differences of a vital nature (the great criminal assaults of one Power on another) will never be settled but by the sword. This is why universal peace will never be — until the advent the golden age — the result of arbitration only.

How to solve this dilemma? How to bridge this gap in the pacifist system? Clearly by the exercise of a little patience, in trying to attain our end, not at once, but in two stages. We should commence by relieving the states of those fears which compel them to arm at present: to secure the observance of the Law of Nations; to add, so to say, to the administration of justice in *civil* causes by the tribunals of arbitration, the international repression of *crimes* committed by states: to transfer to impartial hands that defence of the law, which at present devolves on the nations interested, be they weak or strong.

This new system is not opposed to arbitration; it completes it. It includes:

1. arbitration for all differences of a legal nature, without exception;
2. arbitration as much as possible for conflicts which are the result of clashing interests;
3. an international police to oppose the arbitrary settlement of all conflicts of interests, as well as all other violation of international law. Remember the year 1899, think of President Krüger watching the approach of the war-cloud; suppose there had then been in existence a collective, an impartial army to defend the violated Law of Nations, would a single pacifist have had the courage to say: This army is neither useful nor necessary? Does the history of the last thirteen years teach us that a similar attack is not to be

feared in the twentieth century? Even Belgium and Holland and Sweden do not cease to strengthen their armies against the fatal and accursed day when the stranger —whosoever he may be — shall invade them. Would a better and more reassuring defence of the Law of Nations be indeed superfluous and unnecessary?

And yet this is what prominent pacifists assert.

There is however a very simple way to defend this paradox. The whole problem is simply reduced to the question of the enforcement, not of international law in its fullest extent, but of arbitral sentences; that is to say to an insignificant part of the entire question. But is this non-execution of arbitral sentences really the great danger against which the nations are arming? Is this the principal duty of the armies and navies of England, France and Germany? And if not, why disfigure thus a proposal which only tends to entrust to the international police duties which at present devolve on national armaments?

Let it not be said that since the international police needs judicial authorization before it can act (*vide supra*), it executes some sort of sentence. For the proposed authorization which is nothing but a judicial check on the action of the executive, differs entirely from an arbitral award in a conflict between states.

Or is this project for an international police inop-

portune? This question touches the very heart of the problem. For I cannot repeat often enough that the leading idea of this proposal is this: to try and establish in two successive stages that universal peace which the majority of pacifists hope to attain in one. This first step must lead us to the arming of the Community of Nations, conjointly with national disarmament; the second purposes the gradual disarmament of these collective forces, except for the upkeep of a police-force, similar to those which maintain order in each separate country.

Here, also, misunderstanding is rife.

Pacifism, I am told, attempts to diminish armaments, this is its glory. And however excellent the future may be which you now promise us, at the start at least more violence is to be created, to national violence international violence is to be superadded. Nothing could be less true. As to the sum total of armed forces, it is not to be increased by a single ship, a single soldier; it is only proposed to replace existing violence, national, arbitrary, imperfect, unorganized, by the organized, impartial and well-controlled violence of to-morrow. As to its tendency, it purposes to convert the coercive action of the European concert, based on the interest and good pleasure of the six powers, partial and a source of danger to small states — into an enforcement authorized by an international tribunal, which will be a menace to no one, since it will base itself wholly on positive internation-

al law; whose action will be as different from our present wars, as a Balkan carnage differs from the just wars of Joan of Arc, of William of Orange, of President Lincoln. And lastly as to its effect, the difference will be greater still, for its superior strength will give to such an international army and navy far more than to any national armament, an essentially preventive character.

But there is more. This international police, in reducing national armaments, will have a most salutary influence in the direction of pacifism. It is well known that in international politics also, opportunity makes the thief. Those large armies, created and kept up for the defence of justice, are too often a temptation to their governments to use them for the defence of interests wholly unlawful; the navies, built to ward off attack, frequently attack in their turn. There is no better means of rooting out this criminal appetite, than to root out the very instrument now at its disposal, that is to say, to replace the present national armaments by an international force.

Now, permit me once more to point out emphatically, that this international police will but be an intermediary stage. It is not the ultimate object, it can but be a means to an end. Like the International Prize Court, for which there can not be a place within the framework of a future organization to which maritime wars, blockades and prize-law will be unknown, and of which the great



value is ungrudgingly acknowledged all the same, the international police will but be as a scaffolding that will enable us to erect the structure of universal organization. Once the house is perfect, the scaffolding may be pulled down. This gradual extinction will be effected automatically, naturally: for as the national armaments disappear, as goodwill increases among the nations, as the world-organization becomes stronger, the international police will be able to limit its intervention, and cashier its soldiers.

If, on the other hand, the method of sudden reform is preferred to this reform in two stages, how is it hoped to effect this change? Limitation by mutual agreement has not, as far as I am aware, made much progress hitherto. Limitation as a consequence of organized international boycott has fared no better. And when the responsible French government found itself compelled this summer to introduce a bill for the extension of the term of compulsory military service to three years, the French pacifists in the French Parliament, — small blame to them, great blame to their system, — could oppose nothing to this stirring appeal to defensive patriotism, than vague generalities of no practical value at the time, about the future brotherhood of nations and of the usefulness of future arbitration.

Can then the time be called inopportune for a proposal that points a better way towards disarmament?

To me it seems indispensable to interpose between Ventôse and Fructidor the labour of Germinal: to insert between the iron age of the present and the golden age of the future a silver age in which military power will not have disappeared, but in which it will reappear in the impartial, purified and salutary form of an international police.

I fervently hope that one day our mortal eyes may see our precarious, undefended peace, our peace at bay, replaced by perfect security from war.

And if I have made bold again to develop my thesis, it is because I am profoundly convinced that it is more profitable to enter into the kingdom of peace by plucking out this dogma of arbitration and disarmament curing all evils, and by casting it from us, than to dwell forever with this specious panacea in the present hell of imminent war.

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## H. E. BARON VAN ASBECK (HOLLAND).

OF THE DUTCH ROYAL NAVY.

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From an article in „De Gids” (The Guide), 1911, Vol. III. p. 207.

To what extent do the advocates of an international fighting force require the assistance of the naval officer? They have asked for his help, firstly for the drafting of a scheme for the temporary merging of the various national naval units into one international whole: and secondly in order to learn what part of our military expenditure will be obviated by this new scheme.

In contemplating professor van Vollenhoven's scheme, we realize that we have been brought face to face with a deed, at once inspiring and prudent.

To bring this out clearly, we need only contrast it with Commander Kinkaid's proposal. This proposal comprised no less than a conference of the delegates of the "upper twelve" among the powers, to bring together a fleet of 144 battle-ships, 144 torpedo destroyers and 36 scouts, each power supplying one twelfth.

To each of these 12 battle-ships would be appointed 3 flagofficers with the rank of rear-admiral, and these 36 rear-admirals would together elect one commander-in-chief, one admiral and one vice-admiral.

As bases for this fleet would serve neutralized islands and ports in and on the Atlantic and the Pacific.

For each ship to be withdrawn for repairs the contracting power would have to substitute another, and Commander Kinkaid expects that each nation would take a pride in ceding its best fighting units to this international navy. No power would lose the right of carrying out a naval program of its own, but should Commander Kinkaid's expectations be realized, the upkeep of a national navy over and above each nation's share in the international fleet would shortly prove mere foolishness.

We cannot feel very sympathetic towards the American commander's proposal, for it wholly excludes the small nations, and moreover, the times do not yet seem ripe for such a far-reaching step as he desires to see made. Serious objections also suggest themselves; equal burdens are laid on all the powers, though their financial capacity varies considerably. Only part of the navies of the powers concerned is to be used for the enforcement of an arbitral sentence. This blemish in the system is less apparent, because Commander Kinkaid proposes to bring together such an enormous navy, but only the very largest powers will be able to supply their quota of 12 battleships, 12 destroyers and 3 scouts. If the share of each leading power were reduced to one half, so that the total number of battle-ships became only 72, this shortcoming would be more obvious. Supposing for a moment

that the power to be restrained should be England, it is not impossible that the international fleet, intrinsically less strong than a national unit of the same strength numerically, would be defeated. Then will not the eleven leading nations, whose 66 battle-ships have been beaten, have to stake the rest of their navies to constrain England? Undoubtedly; only there will then be a great chance of another defeat for the allied armaments, whose best units had previously been ceded to the international fleet, for whose co-operation no prearranged plan will be in existence, and which will have to face a navy strong through a sense of national unity and the proud consciousness of already heaving repulsed eleven powers at once.

Moreover, it is not now considered consistent with the usages of war that, if A and B are at war, and C is bound by treaty to aid B with ships and auxiliary troops, C could supply these and yet keep at peace with A.

This notion was familiar two centuries ago, but is now obsolete. Yet this state of things would be revived, if a state provided ships for an international navy to enforce an arbitral sentence and yet hoped to remain at peace with the recalcitrant state.

In order therefore, to ensure military success in an action against a recalcitrant state, it seems desirable that the powers do not contribute part only of their navies to form an international fleet, but place, at least for some time to come, their entire naval ar-

maments at the disposal of the international organization, thus throwing at once the full weight of their naval power into the balance. The result of such a measure will doubtlessly be to increase the preventive character of this institution, a result, the attainment of which should in the very first place be attempted.

Of course, if it is a small power that refuses to submit to an arbitral sentence, it would not be necessary to order a general mobilization of the world's navies.

A formula has been suggested which seems to me well-chosen, viz: that this Government is willing to place at the disposal of the international naval board such part of the Dutch navy, as is sufficient for the object in view and whose services are not in the opinion of this Government, at present required for the defence of specifically Dutch interests.

Should foreign Governments consent to make a similar declaration, we should have gone a long way towards the establishment of an international navy, and we should have a firm basis for its further development.

The next question is, who is to determine what parts of the national navies will be required to ensure success in a given enterprise. It is only natural that this task should be assigned to naval officers, and as the powers are not likely to vest such authority in the hands of one man — even supposing this were desirable — the power to determine this, will have to be

given to a board, and, considering the great responsibility of such a body, to a board of flag-officers. A board of admirals therefore. Concerning the way in which this board should be composed in principle, we have a guide in the composition of the coming international prizecourt. This court is composed of fifteen judges, eight of whom are permanent, having been appointed by the eight great powers, the seven others being appointed in turn by the remaining states. A similar arrangement might be made for a board of admirals. It is only fair, indeed, that those powers which are strongest at sea, and which need this power most on account of the greater interests they have to guard, should be represented accordingly.

If this board of admirals is to do its work properly, it must have at its disposal data concerning every navy, concerning the number of ships, their displacement, armament and speed, concerning dock-facilities, coal-supplies, etc. Much of this may be found in books, but apart from the fact that books sometimes contain mistakes, the board has a right to official figures, and the signatory powers would have to bind themselves to furnish these.

It is not, however, sufficient for such a board of admirals to determine the size of the armament required, when a signatory power appeals for assistance to the others.

The board must also draw up a plan of action, based on the data in their possession and on the strength

of the international armament required. There is a close connection between the two, and the plan of action will even have to be drawn up before it can be determined what, and how much help will have to be requested from each power. In this connection a difference must be pointed out between the composition of the prize-court and the board of admirals. Whereas a belligerent has a right to demand that a judge appointed by it shall have a share in determining all questions arising from the war, the flag-officer of the power against which a second power has appealed for help, will have to be excluded from the board.

The next question to occupy us is, how this international navy, or rather these combined navies or parts of navies, will have to be commanded.

As the flag-officers of the small powers are not trained in the command of large squadrons, and as the ships of small navies are not as a rule of the kind, fit to lead a battle-squadron into action, it is not only fair, but practically indispensable that the command shall as a rule be taken by a flag-officer of one of the great powers. An exception could be made if the peace was broken by a small power, f. i. Venezuela. The international navy, required for the coercion of this country could without doubt be commanded by an admiral of one of the smaller nations, and there would not then be any reason to give the preference to an officer of one of the great powers.



The following arrangement might serve:

1. A sufficient number of states conclude a treaty by which they bind themselves to lend their fleets, arsenals, ports and stores for:
  - a. the execution of arbitral sentences (the chief subject at the conference of 1899).
  - b. the protection of neutrals (chief subject at the second conference of 1907).

They severally bind themselves to appeal to the others for help, in case a sentence obtained by them is disregarded and when their neutrality is threatened, even though they are strong enough to protect their own interests. (In this way an example is set, a precedent created, and states will not be deterred from appealing for help through false shame).

2. A board of admirals is to sit at the Hague, composed of flag-officers of different nations, in the same way as has been resolved for the prize-court (art. 15 and 16), with this proviso that the representative of a power which refuses to submit to a sentence or violates the neutrality of another power, will not be suffered to serve on the board until the question is solved.
3. The board are periodically supplied by the signatory powers with the necessary data concerning the means which are held by them at the disposal of the board for the purpose defined in the treaty.
4. If one of the signatory states, for reasons stated

under I appeals for help to the other parties to the treaty, the board draws up a plan of action, based on the data supplied.

5. If one of the great powers applies to its co-signatories for reasons stated under I, one of the flag-officers of the appealing power will act as commander of the joint armaments.

If the action is carried on in seas in which this power does not itself maintain naval forces of any importance, the board of admirals appoint the commander-in-chief from among the commanders of the national units present.

6. If one of the smaller powers applies for help for reasons stated under I against a great power, the board will appoint the commander-in-chief of the joint navy from among representatives of the big powers.

7. If a power appeals to its co-signatories for reasons stated under I, to obtain help against a small power, the board of admirals may request only some of the signatories to force the recalcitrant state to submission. In such a case a flag-officer of a small power may also be entrusted with the command of the joint armaments.

The expense entailed by this joint action is defrayed by the state which has broken the peace.

Should it be impossible to exact payment, the cost is borne by the powers, in proportion to their wealth and size.

It will perhaps be objected that the arrangement here suggested does not give us an international navy. The justice of this objection is undeniable, but nevertheless it supplies us with national fleets in the service of what has been called the Community of Nations. And this is already an important step in the right direction. Great preventive influence would without doubt emanate from the arrangement proposed, but even if this should prove insufficient, and the international fleet should really be called upon to interfere, effective action would be quite possible. Let us suppose, by way of example, that England, in spite of the treaty, should refuse to submit to an award by the Court of Arbitration in favour of Germany, and that the latter should appeal to the other signatories. The plan of action might then be drawn up as follows, confining ourselves for the sake of brevity to the great powers and the Netherlands: Germany and Russia prevent all British trade on the Baltic, Italy, Austria and France that on the Mediterranean, the United States that on America's West coast and through the Panama canal, and Japan that on the Pacific. Holland meanwhile threatens the shipping to London from the Zealand-estuaries, and that through the Strait of Malacca from Pulu Weh. As every port in the world, except those of the British Empire will now be closed to British shipping, British trade will be brought to a complete standstill in a few days. If the pressure, thus brought to bear prove insufficient, the concen-

tration of the allied navies may commence. England cannot prevent the junction of the Japanese navy with those of the Mediterranean powers. The American fleet may either join the Mediterranean fleet or the German and Russian armaments in the Baltic. Even the tremendous British navy could not in such a conflict detach enough ships to patrol the route of the American fleet and defeat it separately. As soon as the Panama canal is finished the American fleet can also reach the Mediterranean along the same route as the Japanese. Once this fleet has arrived, England's fate would, in my opinion, be sealed.

No doubt numerous difficulties would have to be overcome, before this heterogeneous international navy could be welded into a homogeneous whole. There is f. i. the question of signals.

But an international code is already in existence, and what the board of admirals will therefore have to do, is to adapt this code for military purposes. The drawback is that the recalcitrant nation, against which the international fleet will have to operate, will know these signals also. But this difficulty may be obviated by the use of a secret key. Even to day the Morse-code is universally employed in wireless telegraphy, but in time of war a secret key is used, which is periodically changed.

The question of the chief command will always remain a difficult one, and the Commandant of the Dutch Naval Training College rightly says: "The great-

est care should be taken that the persons appointed to this international navy are all men of the highest character. If anywhere, secret influences will be at work in such an international armament, unless the officers are men of the most unimpeachable probity."

And he rightly questions whether the first aim in the training of naval officers is everywhere and always, to form *men* in the best sense of the word, convinced as we should be that "character is of more value than science."

Yet, the question of command and that of signals have been solved more than once.

There is no fundamental difference between the collective action of Italy and Austria in the Mediterranean as members of the triple alliance, and that of all the Mediterranean powers as signatories of the treaty outlined in the foregoing pages, and history teaches as that the chief command of allied forces has often been in excellent hands and that the seconds in command have often proved themselves fully equal to their task.

The greatest difficulties in a joint action by allied powers have always arisen from diversity of political interests. If these run parallel, all difficulties are easy to solve; if they clash, there is a danger that each of the allies pursues its own objects. Such an evil is however prevented, when each of the contracting powers is convinced that the awards of the court of arbitration and the rules of neutrality must be enfor-

ced at all hazards and that the interests of all require that a state which proves recalcitrant, should be brought to hear reason by main force.

There is yet another reason, why it is desirable that the powers should stake their entire naval power to attain their end. The chance of being beaten by a recalcitrant power is then smallest, and joint action is least difficult when successful. The political aim of the allied powers, which is to break the resistance of their opponent, will then be easy of attainment, and a common basis for aggressive action will be easy to find. But as soon as it becomes necessary to act on the defensive, the private interests of each of the allies at once come much more to the fore and in carrying on a war of defence none of the allies will be willing to denude their coasts of their own armaments for the sake of joining that of one of the others. Collective action must therefore necessarily be aggressive, and the possibility of this is best guaranteed, if each of the allies ungrudgingly places its entire navy at the disposal of the international authorities.

The conclusion of the above mentioned treaty and the formation of a board of admirals will, as I pointed out before, be but a first step towards the formation of an international naval armament. The question remains to be answered, how the scheme is likely to develop further, and what part of our naval expenditure will be obviated by it.

These questions are intimately connected and al-

though it is impossible to give figures, the course which things are likely to take may yet be briefly outlined.

Both the history of the five provincial boards which jointly managed the affairs of our Dutch navy in republican times, and the attitude of each of the seven provinces towards the national forces, teach us that, when a community has to supply or maintain military forces which are not to be employed in its own immediate interest, there is always a tendency to grudge the necessary expense, and even to avoid payment of the same when possible.

This tendency, which may prove a positive danger to Commander Kinkaid's international navy, especially while the great powers still have to keep up enormous armaments of their own, would be a positive advantage if the powers could be brought to fall in with the above proposal.

For as each nation will on the one hand have a guarantee in the court of arbitration and the rules of neutrality that its rights will not be interfered with, and will on the other hand realize that it cannot, single-handed, engage the whole world or the greater part of it; as each will moreover realize that the money it spends on its navy only serves to enforce, if necessary, the awards of the court of arbitration and international law as settled at the Peace Conferences, there will soon be perceptible a strong inclination to reduce this expenditure. And as this inclination is a very

natural one, a basis on which such reduction may be affected is sure to be found.

How far it will be possible to carry this reduction, it is hard to say. Whether it will prove desirable and possible for each nation annually to pay part of the money thus saved into a common fund for the creation of a truly international navy, the national fleets gradually losing their importance and ultimately becoming extinct, it is difficult to foretell. But if this could be done, we should no longer need battleships, and torpedoes might be suffered to disappear.

Fast cruisers with medium-sized and light guns will be the most useful type of ships for the international navy of the future. For the only force by which they might possibly find themselves opposed, would be the armed merchantmen of a state which had broken the peace. And when a riot or disturbance breaks out in a civilized country, do we suppress it with field-guns? Is not the sight of a revolver or a carbine generally sufficient to bring the rioters to their senses?

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## J. C. C. DEN BEER POORTUGAEL (HOLLAND).

PRIVY COUNCILLOR, RETIRED LIEUTENANT-GENERAL, FORMER MINISTER  
OF WAR, MEMBER OF THE "INSTITUT DE DROIT INTERNATIONAL"  
DELEGATE TO THE FIRST AND SECOND PEACE CONFERENCE († 1913).

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From: *Le droit des gens en marche vers la paix et la guerre de Tripolis* (The law of nations advancing towards Peace and the Tripolis war), 1912, p. 83—85, 107—110, 113—115, 117—119.

The ground of most opposition against compulsory arbitration, and against an international armed force is the fear — which is to be respected, and which I fully understand — that this would carry us too far upon the road towards an Internationalism, in which we should lose, partially or entirely, our nationality.

Certainly, if this should really be the case, it would be a lamentable loss. The sovereignty of the states, as we know them, must remain unimpaired. But this is not impossible; I in no way share the desire of the internationalists who wish, I believe, that all Europe should become one Union in all respects. This unity — if it were possible — would be in my opinion extremely sad, dull and monotonous. We are justly proud of our national genealogy, our splendid history and our intrepid and dogged ancestors...., and we would not wish to lose all the good that we have in a chaotic mixture of the characteristics of other states, to become a single gigantic European State, which

like a "sky-scraper" may be very practical, but is unattractive and ugly.

At the same time this does not mean that we must fall into the other extremity, close our eyes to what is going on around us, and put ourselves in opposition to the evolution of society.

If we voluntarily give up the right of having recourse to arms for everything, and if we promise and lay down in a treaty with the other states who reciprocally agree to the same, to submit all our differences to a permanent court of arbitration, in other words if we accept the principle of obligatory arbitration; if by separate treaties, or a general treaty with the European States, we could abolish the barrier of duties which interrupt free exchange and the liberal circulation of the products of the peoples, and which, with privileges and monopolies, are the causes of war, and if, also by a general treaty, we could come to an agreement to have *one* sole armed force, to assure if necessary the execution of the awards) of the permanent Court of Arbitration, it seems to me that this would be applying the sovereignty of the State in the noblest and most perfect manner, in facilitating the march of the Law of Nations towards Peace.

It is obvious that the states will not be able to sacrifice the revenues from customs, if they cannot make some economy to counterbalance them.

Free trade, the world opened entirely free to every-

one, involving the abolition of the whole force of customs officers, demands a series of measures in supplementation.

Free trade itself gives with a liberal hand — and this seems to me to be a proof of its value — the necessary means which make it possible to introduce it. With it, there will disappear everywhere as I have shown, the sources of discord, distrust and jealousy between the nations, and in consequence all wars of interests. It is clear that there will only remain accidental disagreements of small importance, which will easily lend themselves to decision by arbitration.

In this connection therefore it behoves us to consider if it would not be useful to direct our studies towards the goal, certainly far distant, but perhaps not inaccessible, of inducing the States to modify their system of customs, and ultimately to take two measures which form one whole, namely

1. Obligatory arbitration for everything to which it can be applied;
2. The creation of one international police army, thus allowing the gradual reduction of the private armies and fleets of States, which would prepare the way for a future, probably far distant, in which the States only retain for themselves an army of police for the preservation of internal order.

The setting up of an international armed police force seems a reasonable idea.

There is already international law and there is, for the development of this law, its maintenance in the differences between the States, a Court, — and within a short time there will probably even be a really permanent Court of Arbitration. But up to the present the strong hand, the police, to guarantee the execution of the sentences pronounced by this court, is still lacking.

Is this a deficiency that we must supply?

It seems to me that logically the reply can but be in the affirmative. Since objections have been made of a serious nature, from highly competent quarters and since it concerns the introduction of an institution of such importance into the organization of the States, as to have a decisive influence upon their future, it is important, it is even an imperative duty, to look these objections in the face, and examine them thoroughly.

There are some people who, doubting the possibility of such a measure, ask for the details of organization in order to be able to form a judgment. I think it will be better to begin by examining the principle itself, the details will follow afterwards. All the same, in order to show that if the principle be accepted, the proposed organization could easily be regulated by common agreement with the necessary guarantee against abuse, I will give a slight sketch of what, in my opinion, it might be.

Each State would be obliged to supply and to pay its own contingent, the size of which, as regards the

army, would be determined by its population, as regards the navy by the extent of its sea borders, and by the importance of its resources. The Commander-in-Chief would be chosen by lot, and taken from a list of generals, upon which each of the co-operating States would place the name of a general, who, in turn, would be the commander of the army during one year, while each State would give at least one officer to the general staff and at least one to the commissariat. The respective contingents would usually remain in garrison in the State which payed them, and in any case would never be away more than one year. The fleet would be similarly organized. The States with colonies would have a separate army and navy for the preservation of order in those colonies, of which in every case the size of the marine would be regulated by the size and the sea border of the colony; a colony composed of islands would of course need a larger floating force, than a continental one. A state does not need a strong fleet for its commerce. Belgium, with a great deal of commerce and industry, has no navy at all.

The executive army would not be allowed to receive its instructions or orders except from the Permanent Court of Arbitration or from a special Court, composed of statesmen, chosen in a similar way to the generals, who would have to decide whether an enforced execution must take place, and upon everything which concerned it.

The creation of an armed international force is not a new idea.

Without going further back, we may begin with 1895: we chose this date because it gives us the opportunity to recall the sublime words which the German Emperor William II pronounced at the inauguration of the Kiel canal... . When the Emperor saw before him in the roads of Kiel the war ships of all the maritime nations peacefully united, moved by this sight, his mind became illuminated and as if the future revealed itself to him, he called this united fleet "a tangible image of peace and of the collaboration of all civilized European peoples towards progress and the fulfilment of Europe's mission of civilization".

I know that this was not yet the fleet of the international organization which I look forward to, but yet these one or two ships of war, samples and representatives of all the maritime nations of Europe, united for one purpose, formed by their collaboration the emblem of the international fleet of the future... .

In the union of the fleets of the various nations at Kiel in 1895 we have seen an emblem of the collaborate action of an international fleet of the future, but better than that, history furnishes us with many examples of common action by fleets or divisions of armies of different nations under *one* commander to guarantee the execution of resolutions made in the cabinets; above all the naval expedition of various

nations against China in 1900, is remarkable as a sort of international gendarmerie, because the united force was put under one commander-in-chief, the German Field Marshal von Waldersee, and it was for the redress of wrongs done to Germany that the expedition was undertaken.

In order not to be misunderstood, let me add that in the function of the international force nothing must be left vague. Everything must be settled, its lines of conduct distinctly laid down, so that it will be impossible for it to exceed its proper limits.

„International execution” — the Dutch professor de Louter has said — “will not consist in using means of compulsion to which material opposition is out of the question, as it is out of the question in a modern State, which is exempt from revolt or from revolution, but in the action of a superior force against the recalcitrant State which would naturally oppose it by force. The execution will therefore mean war unless the superiority of the organ of execution is so indubitable that all opposition would be hopeless and thus out of the question.”

Prof. de Louter is here assuming that the recalcitrant State would oppose the execution of the international forces. . . . In the improbable case of actual opposition, the proposed executive force would be of such superiority that the execution would be assured of success a priori without any incident, without

resistance and without there being any idea of war. The existence of an executive armed force would certainly have a salutary preventative effect . . . .

The Professor says: "This execution by a corps of international Police is contradictory to the principles of international law, because it attacks the principle of the sovereignty of the states, which is tantamount to their independence, and becomes practically the subjection of the weak to the strong: no longer as a consequence of injustice, but in the semblance of and in the name of law."

The Professor is right, if by the *independence* of a State he means that it does not need to subject itself to any rule, even to those which it has itself adopted fullheartedly and with a good grace in order to become a member of the society of nations of Europe, and to be admitted to and to, figure amongst, the civilized States of the world. Independence of this sort, is only possible in the desert, it is incompatible with the daily exigencies of commerce amongst the populations of civilized States. This is the cause of the frequent conventions, and the many treaties. Each convention lays a curb on this absolute independence. It is therefore no longer a question of principle, merely of more or of less. This is why Wheaton, speaking of the right of self-preservation, which undoubtedly is the first and most important of all the absolute international rights of a State, has said "the absolute right of erecting fortifications for the defence of the terri-



tory of a State has sometimes been modified by conventions in cases where these fortifications have been considered a menace to the security of the neighbouring State." He gives as an example that after many treaties (Aix-la-Chapelle in 1748, and Paris in 1763) the French government undertook to destroy the fortifications of Dunkirk, and that, by the treaty of Paris in 1815, it was stipulated that the fortifications of Huningue should be destroyed and not be allowed to be rebuilt. I add that in article 15 of the treaty of Paris of May 30th 1814, it was stipulated „Henceforth the port of Antwerp shall be solely a commercial port" which was confirmed in article 14 of the treaty of London of April 19th 1839. It may not therefore be a port of war. On these occasions France and Belgium were obliged to accept these stipulations, which put a restriction upon absolute enjoyment of their independence, as even within their frontiers they could not, as long as these treaties were in force, do that which with regard to the towns mentioned, they would perhaps have liked to do. None the less, no one will think that France or Belgium have thereby forfeited their rights of sovereignty.

For the same reason a State, which is convinced that it would be useful for its self-preservation and for the maintenance of general peace, to associate with the other States in order to follow the same line of conduct for their common interests, and to have a postal union, a custom union, a permanent Court of

Arbitration, permanent armed force of Police; and who, voluntarily, with its full sovereign authority, to attain this exalted object, leagues itself with other States in a general convention, loses in my opinion nothing of its sovereignty, and its action is not in contradiction to the spirit or principles of the Law of Nations....

I cannot imagine that that which could contribute to the assurance of the happiness of mankind, the true well-being of humanity, would be in contradiction with the principle of the Law of Nations whose object it is to secure this blessing.

If, unhappily, it could be true that the positive Law of Nations would be an unsurmountable obstacle to Europe receiving at the hand of some benefactor this legislative customs union, obligatory arbitration with an armed force of police, we should be forced to say with a cry of agony "Perish that law which encumbers the salvation of the nations". Conscience must prevail over science.

Science must have the firm purpose of leading the nations to well-being, and to an enduring peace. It has been proved, history and our own experience show us, that the actual positive Law of Nations does not do this. Every one will agree to that. The political condition of the world is unhealthy, it is dangerous.

What must then be done? Quietly remain sunk in the bog of constant anxieties, ruinous armaments, ever increasing armies and fleets, hysterical follies seizing the nations, which involves every invention

being made to serve to increase the horrors of war ; or endeavour to extricate ourselves by a supreme effort ?

At the very moment that we were soothing ourselves with the hope that the interview between the English Minister of War, Haldane, and the Chancellor of the German Empire would have the happy effect of calming the warlike spirit, and relieving the very strained situation between these two states, and effecting an approach between these rivals, we may read that England is greatly occupied with an approach of quite a different nature, bringing its principal maritime forces from the mediterranean for the purpose of stationing them nearer to Germany in the North Sea, so as to have naval forces of unequalled superiority ready for combat at any moment.

At the same time the „Tägliche Rundschau” tells us that in revenge, in Germany, the government intends to advance its reconnoitering fleet of a strength of four large and six small cruisers, from Kiel to Wilhelmshaven and to station them definitely in the North-Sea. This paper adds naively that it need not be thought that this measure has been taken or inspired by a less amicable feeling towards England, oh ! no, everything is couleur de rose, only, friends may mistrust each other and one never knows, in short, reciprocally we arm ourselves to the teeth, almost to suffocation, all the while exchanging polite salutations. . .

I know no other means of being extracted from this quagmire, than those of which I have spoken.

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## S. VAN HOUTEN (HOLLAND).

EX-MINISTER FOR HOME-AFFAIRS,  
Member of the Interparliamentary Union.

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From a pamphlet: *Onze internationale stelling* (Our international position)  
November 1914.

Those whose old-fashioned way of thinking leads them not only to regard naval armaments as means to destroy other navies and to hold sanguinary tournaments on the high seas, but also to consider it part of their functions to seize merchantmen and to destroy the commerce of other nations, would undoubtedly be shocked, if the inviolability of private property at sea were recognized. But these notions have already received a severe blow from the experience that it is the naval powers themselves which suffer most from the obstruction and prevention of commercial intercourse, and from the fact that the interchange of commodities has increased so enormously all over the world and is so easily affected by the slightest obstruction, that the old relation between the amount of labour performed for home-markets and that done for foreign ones has become wholly reversed in favour of the latter. The same change has come over the relations between those branches of manufacture which exclusively supply local demands, and those which in

one of their stages require the assistance of credit or of bills of exchange.

Even supposing that England, by pursuing this present war till the bitter end, succeeds in depriving the German and Austrian industries of the greater part of their foreign markets, it will at the same time put a stop to its own exports to these countries, and thus inflict a wound not only on the enemy but on itself also.

I acknowledge, however, the truth of the objection: of what use is the possession of a navy, if the advantage, acquired by hard-fought conflicts is not to ensure to the victor the mastery of the sea in a commercial sense?

It is the loss of this mastery and the consequent decrease in the importance of naval armaments which I hope to see effected.

Fancy paints me a future in which the individual states will no longer maintain a navy, but will only contribute towards the upkeep of an international armament, whose size will be determined by the necessity to suppress piracy, and occasionally to restore order in sea-ports and coast-towns. If every state of importance joins this league, this international navy need only be small. If some prefer to keep out of it, it would have to be a match for these, in the beginning at least. The formation of such an international naval police-force is however a practical and attainable ideal, which will commend itself more and more to the nations as

they become sufficiently masters of their own fate to prevent diplomatists from bringing things to such pass that there is nothing for it but for the armies and navies to retrieve the errors they have made.

And in what way?

Let us for the sake of argument assume that Belgium has become involved in the present war through diplomatic blundering. Let us even divide the blame over both states, on Germany's side contempt for the infraction of the rights of a neutral, publicly acknowledged by its chancellor, and of the consequences of this infraction; on the side of Belgium military preparations, based rather too exclusively on this possible violation of its territory by Germany. What will the German army retrieve by proving by carnage and wholesale destruction the military inferiority of the Belgian army to itself, and at the same time earning the undying hatred of a hitherto friendly nation?

Or take France, seeking support from Russia against certain eventualities, and now forced, through its clumsy diplomatic preparations, to battle and bleed for interests exclusively Servian and Russian!

No, the nations must keep a sharper eye on their governments and their diplomatists, and refuse to be dragged through their secret confabulations, into a war such as has now broken out to their lasting shame.

It is this negligence for which they are now suffering. And not for the first time!

From ancient times has come down the saying: Quidquid delirant reges, plectuntur Achivi. But the punishment was never before so severe. May its after-effect on the political institutions of the nations be proportionately deep and lasting.

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## H. DUNLOP. (HOLLAND).

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1. From a pamphlet: „Als de Vrede komt” 1914 (When Peace cometh).

„To prevent further wars in future may be assumed to become the chief preoccupation of the victors, or of the contending parties, if they can be brought together. It would amount to an insult to ascribe any other intentions to them. I would, further, assume that they, together, would still possess enough power to force the rest of the world to do as they decree, disobedience meaning the risk of being attacked and reduced.

At their command, then, all standing armies should be abolished, and in their stead an International Police (Gendarmerie) should be formed, whose task will consist of protecting Europe and what is called Western Civilisation, and to execute the decrees of the International Court of arbitration. That court will have to undergo a radical alteration and will have to take the shape of an International Parliament.

When we assume that Europe is inhabited by about 415 millions of people, that Police or Gendarmerie may count 4.15 millions of soldiers (say one per Cent. of the population). In the first place they can receive a military education, so that they form a power which, under all circumstances, will be able to enforce the will of Europe without the least chance of



being opposed. Moreover, Europe will have to remain capable of defending herself against all attacks from outside.

But apart from military training, the soldiers will have to be made acquainted with the countries where they sojourn, they will have to learn each others languages and literature, they will have to study all artistic accomplishments, thus learning to appreciate each others merit of all kinds.

In order to do away once and for all with the insensate Jingoism of our time, each country should have *as few Gendarmes of its own nationality as possible, but the greatest possible number of other nationalities.*

It may be assumed — allowing for differences which do not affect the principle involved — that the population of Europe is as follows:

Russia . . . . .	115.000 000	inhabitants
Germany . . . . .	65.000.000	„
Autria-Hungary . . . . .	50.000.000	„
United Kingdom . . . . .	42.000.000	„
France . . . . .	39.000.000	„
Italy . . . . .	34.000.000	„
Spain . . . . .	19.000.000	„
Belgium . . . . .	7.500.000	„
Holland . . . . .	6.500.000	„
Rumania . . . . .	6.000.000	„
Portugal . . . . .	6.000.000	„
Sweden . . . . .	5.000.000	„

Switzerland . . . . .	3.000.000	inhabitants
Scandinavia . . . . .	5.000.000	„
Bulgaria and Balkan- states and Greece. . .	12.000.000	„
Total . . . . .	415.000.000	inhabitants

In order to elucidate the composition of the international army, as I would propose it, we will take as examples, our own country, as one of the smallest, and Russia, as one of the largest of European States, and we will assume that in each country the International Gendarmerie will consist, as to one quarter part, of men of its own nationality.

For Holland, then, we arrive at the following numbers:

16.450	Hollanders
13.800	Russians
7.800	Germans
6.000	Austro-Hungarians
5.040	Britishers
4.680	French
4.010	Italians
2.280	Spaniards
900	Belgians
720	Rumanians
720	Portuguese
2.800	other nationalities

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Total 65.000 men.

## And for Russia:

278.750	Russians
180.700	Germans
139.000	Austra-Hungarians
116.760	Britishers
108.420	French
94.520	Italians
52.820	Spaniards
20.850	Belgians
18.070	Hollanders
16.680	Rumanians
16.680	Portuguese
71.750	other nationalities

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Total 1.115.000 men.

In each country, therefore, the national element would be so much in the minority that not a single nation could oppose the decrees of the International Parliament, provided, however, that the International Gendarmerie in each country will be the *sole armed and organised force, and that the manufacturing of arms will be regulated by international agreement*. Uniform and equipment must be the same for the whole of Europe.

The International Gendarmerie would not owe obedience to any power except to the International Parliament, to which each individual soldier would have to swear allegiance. The quantity of firearms to be

manufactured annually would have to be fixed for each state. The possession of fire arms, except for sporting purposes, should be made punishable, and should be only allowed to those who have obtained a special permit from the International Gendarmerie.

If a state wishes to suppress sedition on revolt on its territory, it will have the right to call the entire International force to its aid. If a state wishes to annex any foreign territory, it will only be able to do so if the International Parliament has given its sanction. And if sanction is given, the state in question will be entitled to make use of the entire International force on its territory, if necessary reinforced with contingents from neighbouring states.

All factories of arms are placed under the unconditional control of the International Gendarmerie, in short, the force will do all policework in the interstate or international relations, including the forcing of refractory states into submission to the decrees of the Parliament of Europe. Export of firearms as well as the sending of „military missions” is strictly prohibited.

The strength of the Army may by some be considered too great. But its aim is not *exclusively* confined to police-control and defense. By its large extension the Army should be an excellent means for bringing the various nationalities together, and for reducing their ridiculous national vanity and prejudice, the nefarious characteristics nowadays of nations which claim that they move with the times.

The International Army will only answer its purpose, if it embraces all the States of Europa, and possibly also the United States of North America and the British self-governing colonies. For they must be able, in the long run, to force all other states to join them. For the present we should not be too optimistic in this respect. For instance, we can well imagine to ourselves Japan transforming the Chinese or other Asiatics into fire-eaters, in the same way as the Prussians have done with the Germans, so that they can hardly be recognised.

It will, therefore, be necessary, to create an International navy in about the same way.

There will doubtless be great financial difficulties. But if the Army is organised in such a way that it will be an honour for every man to serve, I believe that in every land thousands and tens of thousands of young men will be ready to serve at their own expense. At the same time a large part should be recruited from the poorer and less civilised classes by way of reward for intellectual or other merit, whilst also certain requirements as to athletics or sports might be fixed.

The International Army, after a short time, would create a widespread knowledge, hitherto inconceivable, of other lands and folks, in all layers of society; an immense amount of prejudice would disappear, the knowledge of languages and international intercourse and commerce would increase enormously. In avoiding a too low limit of age, international

marriages and tourism would be greatly enhanced.

For immeasurably more people than at present, this splendid and rich world, which now is partly transformed into a *Hell*, would be open.

The money which each state will have to provide for the maintenance of the soldiers who do not possess sufficient means, will return by the expenditure of the foreign legions on its territory and by the development of tourism and trade. When considering that the total sum hitherto spent by the European states on Armed Peace far exceeds 300 milliards of florins (£ 25.000.000.000), it is easy to see that a saving of some milliards per annum can be effected. Many people who used to earn their bread by the manufacture of arms wherewith to take other men's lives, will be enabled to do better work. Every state will be in a position to make use of this enormous saving. The United States of Europe will have to gradually abolish their protective tariffs, and to indemnify the manufacturers who suffer by their abolishment. All that is possible as soon as the absurd expenditure for war is reduced to a reasonable level.

In a contribution to the *Haagsche Post* (a Weekly paper at the Hague) of the 5th Dec. 1914 the same author says (after having referred to Mr. Asquith's speech at the Mansion House last November):.....

..... "It has been stated by many men of learning that war is a necessary evil, and that, in order to

eradicate it, the very foundations of human nature will have to be altered, which is hopeless. — To this I answer: In the Middle Ages nobody except a Nobleman had any rights. The poor people who did not live in walled cities, and who were the property of the nobles, used to walk about with a rope round their necks so as to be always ready for being strung up on the nearest tree; if they killed a hare or a deer, they risked being fried to death over a slow fire. I really am not exaggerating. That *was* the position in those days. But in the long run all that has changed. The people simply would not stand it. So they went and strung up the others and they kept on doing so until the others behaved themselves. At last it came about that every man became a citizen of the state, and broadly speaking, possessed the same rights as the nobles, who were only allowed to keep their titles and some prerogatives which were mostly harmless. I hold, that it is impossible to imagine a more stupendous change in human affairs generally than this. But would anybody be prepared to say, that the very foundations of human nature have been altered since the Dark Ages? You might as well declare that gravitation has changed. *Human nature has not changed, but its most brutal instincts have been driven together, like wild beasts, behind a fence, and that fence is the Law, and it is held by the power of the Law, which is the Police.*

“Now if the rulers of the mightiest States in the world earnestly desire to „place the rights of the small

Nations upon an unassailable foundation" they will have to drive the brutal instincts of the large states together behind a fence, they will have to build that fence out of International Law, and they will have to enforce that International Law by an International Army. They need not perform such a wonderful operation as changing human nature. But by using common sense, they will succeed in protecting the Human Race against its own destructive instincts. Society, within individual States and communities, felt, that Might without Right was an evil. Therefore it abolished that evil. Mankind felt distance as an evil. Therefore, they abolished that evil, and for the transmission of thought through the sky, through oceans and mountains, they simply annihilated it. *Distance ceased to exist*. For the transmission of matter, man has already reduced it by over 90 percent. Mankind felt disease to be an evil. So they annihilated several epidemic diseases and will annihilate them all in time. In Europe the plague, that scourge of the Dark Ages, has been simply abolished. If that species of Vertebrates which is called the *Homo Sapiens* is capable of performing such wonders as all these, it is capable of achieving almost anything. And so I do not believe those who say that war cannot be abolished, and that it is a necessary evil. I hold that there is no such evil. I hold that like many other evils it will have to be reduced und vanquished, and ultimately annihilated. It has been said that war is the sport of kings, the game



of diplomats. If that is so, kings will have to invent other sports, for instance that which secures a Maximum of happiness to a Maximum of people, and if they do not see it, they will have to go altogether. Diplomats will have to follow their kings, if they can think of no better game than war.

"Again, it has been said, that the various nations and states have conflicting interests. I deny it, and I hold that they have, instead of many conflicting interests, One Great Common Interest. I hold that that' interest is the conquest of nature by the study of its eternal laws and that this will bring a Maximum of happiness to a Maximum of people. I hold that that conquest will be achieved, not by strife, but by the united efforts of all mankind; for the sake of sentiment and convenience, and no doubt for the sake of utility and progress, divided up in States, bound together by International Law, policed by an International Army.

"Hitherto the Nations of the civilised world, and especially the Christian Nations, have followed two moral Codes. The one, the Christian code of morals, does not seek self, abhors vanity, praises meekness, and bids its followers love their enemies and bless those who bitterly hate them. That is the moral Code for the individual and for the family. But the other moral Code is the one adopted by all large conglomerations of individuals and families, called States. That Code is exactly the other way round. It praises the most egocentric ideals, it pours the madness of its rid-

iculous vanity into so-called national anthems, it denounces meekness as contemptible cowardice, it hates its enemies, uses its utmost ingenuity for their destruction, and so far from blessing them, it kills those who love them. I defy anybody to deny that this, and this alone, is the real state of affairs.

"It is evident that either the one or the other Code of morals must be wrong. This is indeed generally felt to be the case. When the war-fury is upon the nations, they try to murder each other as much as possible. But they cannot get rid of one of their Codes of morals, so they send ambulances along to try and cure those whom they murdered only half. They feel that in killing one another they are committing the most frightful sin. And yet they do it. They worship their kings and emperors, who wish to live a life of luxury and ease and power at their expense, and who swindle them, by flattering their stupid vanity, into attacking their neighbours, and subsequently drive them mad with the ferocious fear of having their sins visited upon them by their enemies.

"They will have to be shown that their kings are humbugs, that their so-called patriotism is folly, and that their interests are indetical with those of other nations. If anybody says that my ideas are utopian, that my assertions are idle dreams, that the Union of Europe is a sentimental fancy, I ask whether being sent to a battlefield along with every Tom, Dick and

Harry, to be slaughtered like sheep, is an idle dream or a grim reward for extreme stupidity and detestable Byzantinism, whether it is less sentimental to let other people commit millions of crimes and to weep crocodile tears over the wrongs they are doing than to try and secure a Maximum of happiness for a Maximum of human beings.

"I do not mean to advocate the abolition of all armies or of all military power. Neither do I, especially at the present juncture, mean to denounce those who claim a Nation's right to defend itself with all the force at its disposal, or to punish monstrous injustice when perpetrated under its very eyes.....

.....

"Many people nowadays take a dismal pleasure in ascribing the actions of large Nations to mean motives. The war and its horrors and immeasurable injustice have filled their minds with bitterness. They declare that this Great War is in reality a war for markets, instigated by Great Britain so as to ruin her rival in commerce, Germany. It has been asserted, on the other hand, that the German people desired the war, in order to capture the British Colonies and the British markets. I do not believe a word of it. — If anybody wants to know whether the German shipowners and manufacturers wanted war to obtain markets, let him examine German labour-statistics, and he will find that for years before the war Germany had more work than her own workmen could do and had to im-

port foreign labour. Germany sold for £ 72,000,000 worth of goods to Britain in 1913 but Britain sold her for only £ 44,000,000 worth. So why should the German merchant have grumbled? All the markets of the world except those of the British Empire and Holland and its possessions were walled in by tariffs. Only these two States had kept the door of trade open. There was no need for Germany to hammer at the open door of the British Empire, and the Germans knew it. They had but to walk in, and so they did, for generations. German business houses were the largest in the British Colonies. The German business people knew all that, and they prayed for peace every day in their lives. And so did the British merchants. *They* had markets enough, although Germany and the other large States tried to keep their wares out by high tariffs, as much as they could. Their colonies are so immense that they, enormously wealthy though they are, employed as much foreign capital as they could get for opening them up. They tried to induce people of all nationalities to come and settle in their colonies. So far from wanting war, the German electorate showed a marked predilection for the socialists, the anti-war party. It was the same with the British voters, who kept a liberal anti-war Government in power for years and years. ....

.....  
 "We know the causes of ultra-militarism, we known its terrific results.

"If the whole of mankind is to become ultra militaristic, it will end in insanity.

"And yet, *if an old-fashioned peace is concluded, there will be no choice.* The beaten nations will hate and detest the victors. They will become worse demons than they were before. Their mob will forget the blood and the mire and the beastliness of war, and will only see the plumes and the feathers and the prancing horses. They will make worse engines of destruction. Not only small countries like Belgium will be devastated, but large ones like England, Canada, Australia, the United States of North America. All the Anglo-Saxon countries will become so many Germanies. Perhaps somewhat modified in accordance with their racial characteristics. But if they wish to avoid or even to oppose destruction, they will be forced to adopt ultra-militarism. They will have to protect their mothers, their wives, their daughters, their houses, their *all*, against the fate of Belgium. When the Prime Minister of Great Britain declared that the rights of the small Nations would be set upon an unassailable foundation and that France must be adequately secured, he knew that this cannot be achieved unless war between civilised states is rendered practically impossible. He knew that an old-fashioned-peace would make war quite as unavoidable as hitherto, and perhaps more so. And it is this which gives fresh heart to those who plead the establishment of a Union of independent States, free to manage their

own affairs, but treating all their foreign affairs in an International Parliament; Europe, liberated for ever from the maddening fear of invasion and aggression, policed and defended by a great International Army”.

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## RAFAEL ERICH (FINLAND).

PROFESSOR IN THE UNIVERSITY OF HELSINGFORS.

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From an article on the Problem of an International Police Force,  
in *Zeitschrift für Völkerrecht* VII (1913), p. 308.

According to the 37th article of the Hague Convention for the pacific settlement of international disputes, recourse to arbitration implies an engagement to submit in good faith to the arbitral award. The fulfilment of this obligation, as in fact of all obligations of International Law, is not compelled by external force, and it is a practical possibility for the party that has lost the contention to refuse to carry out the award.... The further obligatory arbitration is extended, the nearer the possibility approaches of a state refusing to acknowledge the obligation of carrying out the awards „in good faith”.

Before proceeding to the question of the necessity of an International Coercive Force, we must first consider the question of whether on the existing principles of law there is not a possibility of making the obligation to carry out such awards more effective, or as the case may be, to insure to some extent the fulfilment of them by legal pressure.

In the Peace Conferences it was proposed that the convention should take up a regulation by which the

award should settle a time within which that award must be carried out. What has been lost through the rejection of this proposal, has been partially compensated for by art. 82 of the same convention. But apart from this, having recourse to arbitration implies that the contending parties will submit "in good faith", to the award given and therefore carry it out with all due expedition. Only in the case of the parties having laid it upon the Court to determine the time within which the award must be carried out, does it become within the competence of the Court to do so . . . if, however, we are obliged to face the possibility of a recalcitrant state paying as little attention to an award with a time limit as to a "simple" award, the question arises of whether all really effective exertion of power against disobedience of this kind is excluded. Upon this question Oppenheim has expressed the interesting opinion that the powers not concerned in the strife could exercise the right of intervention if one of the parties refused to voluntarily submit to an award. "For" says Oppenheim "there can be no doubt that all States which participate in the establishment of international courts, have a right of intervention, if one of the States that has appealed to Arbitration should refuse to conform to the award"\*). Oppenheim is evidently of opinion that the unimplicated States have, even in the

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\*) Oppenheim, *Die Zukunft des Völkerrechts*. (The Future of the Law of Nations), p. 54, 55.



present state of the Law of Nations, a right of this kind. Other writers on the other hand, regard it as a future task of International Law, to secure the execution of international arbitral awards, a task which can only be realized by special regulations being taken up in the convention. With regard to this, as is well known, suggestions of various kinds have been made. In the *Revue de droit international et de législation comparée* (1911) and also in a pamphlet „*De Eendracht van het Land*” (1913) van Vollenhoven has sketched a proposal, which includes the following points: If a State refuses to fulfil an arbitral award its opponent shall be able to claim practical help from the other States concerned in the treaty. At its demand they will put their naval power at its disposal. The arbitral award will therefore if necessary be made good by force. Van Vollenhoven's project, however, does not only include this case, but he proposes a similar armed intervention in case of the rights of a neutral State being infringed by belligerent powers.

The protection of the Law of Nations to be ensured in this way, does not, as we see, demand a particularly strong international executive organ. On the contrary, its realisation would depend far more upon the States fulfilling their treaty-duties, of exercising a combined influence upon the recalcitrant State. This idea is to some extent illustrated under the present conditions by the combined armed intervention

which has taken place in certain cases, and in particular the pacific blockade undertaken by several Powers. But while these coercions were for the preservation of private and selfish interests of the "executors" concerned, international intervention would serve a general and exceedingly important purpose, namely the maintenance and execution of International Justice. The same idea which van Vollenhoven has expressed, and which van Eysinga has corroborated (*Zeitschrift für Völkerrecht*, 1911, p. 527) is found in other writers, though in varying forms. Dumas, for instance, argues for a collective and disinterested, purely diplomatic Intervention (*action désintéressée*) against a State that should refuse to carry out an arbitral award; and it has also been proposed that there should be a regulation to the effect that any Power that shall make war without endeavouring to avoid the appeal to arms by conforming to the recommendations of the Peace convention, shall be considered as an enemy of the human race, which may no longer count upon the commerce, nor the moral or financial assistance of the signatory Powers.

As regards the view that even under present conditions the States that have entered into a convention for the pacific settlement of international disputes have the right to interfere against a State that should refuse to carry out an arbitral award, it must, in my opinion be unconditionally acknowledged, on the one hand, that even under the existing conditions a gene-

ral principle of non-interference is by no means maintained, and that according to the present Law of Nations no strict prohibition of intervention without exception can be established and maintained \*), and on the other hand, that intervention introduced into the Law of Nations, if it is exercised upon disinterested, useful and ethical principles to the advantage of civilization, would contribute to the betterment of international relations and to the confirmation of solidarity. What has brought intervention into general discredit is the fact that it too often is in the service of selfish interests and claims unfounded upon international law, or even in that of ruthlessly oppressive policy and is therefore dangerous to the equality and solidarity of the States. The more we come to see that there are entirely legitimate political interests common to all the States, the more will a common intervention in protection of these interests appear to be justified and even necessary. But in the present condition of international law, we must reject as untenable Oppenheim's assertion that all the States which take part in the establishment of international Courts have a right of interference when one State that is not satisfied with an award refuses to carry out the same. To assume the right of interven-

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\*) As long as "the right of war" is not dependent upon legal conditions and therefore that intervention which is the most drastic and which most completely overthrows the essential principles of the Law of nations, namely war, is admissible, the principle of non-intervention will lack a firm basis.

tion in this particular case supposes a much wider acknowledgement of the right of intervention *in general* than to-day exists. If we were to be consistent we should have to acknowledge the right of the members of the Community of States to intervene in every case in which a rule of universal international law was wilfully broken by a member of this community. There is no ground for asserting (in the present state of International Law) that the failure to carry out an arbitral award is the only international crime which would justify the interference of the other States. Yet no one would propose a clause of positive International Law which would lay down that a breach of treaty or an infraction of an international rule in general should be a ground for the intervention of the members of the community of States. It may be urged against this, perhaps, that it is particularly to the interest of all the States concerned in the Hague convention, that the duty therein expressed of the States which appeal to the Court submitting to the awards of arbitration should not be left unfulfilled, as this eventuality would endanger the whole existence and success of the Hague Court. But is there not a corresponding danger every time when (or at any rate in most cases that) a general international rule is broken without redress being afforded? In the upholding of every legal rule that is for the benefit of the international relations within the Community of States, the States undoubtedly have a deep interest, but according

to present day views of International Law, there does not exist a right of intervention, corresponding to each interest of this kind. Let me repeat, there is no reason why the right of intervention should not be developed so that it could afford protection to the legal interests of the Community of States in the form of a combined intervention, in fact it would be an important step forward in international organization; but at the present Stage of International Law it is hardly possible to maintain the existence of a right of intervention in this one single case, namely that of the carrying out of an arbitral award.

As regards the future application of the principle of intervention in the service of international coercion, the idea of a collective intervention for the purpose of enforcing the carrying out of an arbitral award deserves in itself unreserved approval, but implies an extended acknowledgement and a generalisation of the right of intervention as such. It would be almost ridiculous if only that State which refused to appeal to arbitration, or to submit to its awards, were to be treated as an "enemy to the human race" without considering that a State may display its "enmity to human interests" in many other ways, and often in morally much more shocking ones. At the same time too much should not be expected of the effectiveness of a right of intervention on behalf of possible coercive execution of awards and

protection of neutrals even if expressed in so many words in an international convention. For there are constantly differences of opinion with regard to the duty imposed upon the guarantors by a collective guarantee-treaty.... In reality at any rate, it is to be feared that the collective guarantee would only become effective if all the guarantors were agreed about it, and even then this institution is too incomplete to be considered as an effective security for the Law of Nations.

There does not seem, therefore, to be any sufficient ground to assume that the right of intervention under discussion would work properly and without fault, if no other measures for establishing and securing an international police were taken.

These remarks lead us to the question of whether it would be possible and whether it would be desirable to introduce an actual organized force into the field of International Law, that should not be dependent upon a more or less casual coöperation of certain Powers. Many writers on International Law are entirely opposed to the idea of an international police force. Von Ullmann declares categorically that coercive force is not to be thought of in International Law, while he expects a great deal from the collective operation of the Powers. „The more the idea of the solidarity of interests comes to the fore in the actions of the Powers, the more securely can the international Community fulfil its mission by collective action,

characteristic of its nature, and satisfy the interests of its members in full measure”.

Other writers too, who take a keen interest in the development and legalisation of international relations, are opposed to an international coercive force. It is almost a communis opinio of writers on the subject, that a police and a police force are neither necessary in International Law nor in accordance with the general principles of that law. Several different arguments are brought forward in support of this opinion. It is said that all arbitral awards so far have been voluntarily carried out, the higher ethical significance of unforced fulfilment is appealed to, a police force is looked upon as a menace to the sovereignty of the States and even a violation of it, a destruction of the foundations of the Law of Nations is feared, and the opinion is favoured that the creation of an executive organ would mean the subjection of the States to a superior force. All these fears, which in themselves are very much exaggerated, will lose their meaning as soon as it has actually been demonstrated that the introduction of this novelty supplies a real international want, and this state of things will in all probability sooner or later arise.

We have already pointed out above that a collective intervention, a collective mediation, etc. may certainly be useful under some circumstances, but that on the whole there is no ground to expect very fruitful work for the Community of States from a combin-

ed action of this kind by interested Powers, an action which would be in many respects untrustworthy and apt to fall to pieces. But even if we are convinced that an action of this kind is able to render important service to that community, we may ask ourselves whether it, to be effective, does not involve coercion and an actual execution, only that these are here unorganized; and that, being at bottom the usurpation of a few States, they are not exercised by a legitimate organ of the Community of States. Moreover we could only seldom expect a really collective and unselfish action of the civilized states uninfluenced by selfish motives, for the sake of the maintenance of acknowledged principles of justice. As a rule, then as now, it would be the „personal” interests of the respective States, which would move them to action, and a collective intervention of a few Powers, even when it follows entirely justified interests, must lack the fundamental significance of a police common to the whole Community of States, and would easily awaken the suspicion of being unjustified interference. Moreover an efficient „management” by certain Powers, founded upon their practical Hegemony must be regarded as far from an ideal condition, even if, righteously used (and a righteous practice of this function cannot unfortunately be expected as the rule), it might be beneficial in some cases.

From the above considerations we come to the conclusion that an unorganized, more or less casual



cooperation of the Powers in itself affords no infallible protection of the interests of the International Community. Collective action, even a collective act of intervention, is in itself insufficient, it must be developed and concentrated into an international police, in order to be able to uphold the interests of the Community of States as a whole.

The theoretical objections which are raised against an international police force, in general, come to this: — as there is no supreme power above the subjects of the Law of Nations, there can be no organ which can be legally appointed to compel obedience to international rules from the separate States. And vice versa; if a police force were created, it would contain the germ of a World Federation, that would destroy the sovereignty of the States, as we now understand it. Schücking especially has demonstrated the untenability of this kind of argument. He points out that the members of a State-Confederation are undoubtedly sovereign although the existence of a confederate executive force is the rule with them. Through the confederate execution the State only undergoes its own will, seeing that from the beginning it has subjected itself by treaty to such an execution, in the case of disobedience. The soundness of these remarks must be acknowledged. In the same way as international arbitration has been arranged by voluntary agreement amongst the States, an international police force does not imply a „world-

wide State" which would henceforth be the fountain of International Law; the erection of a new Power of this kind, superior to the individual States, would be neither the intentional nor the unintentional consequence of that new creation, and the international police would not be derived from a superior Universal Power, but would be exercised by a Society, a Community of States. This need not be looked upon, as a capitis deminutio of the individual States.

The idea of an international police force is combated by the argument that so far no practical necessity has appeared for an organ of this kind, as the arbitral awards have been voluntarily carried out, and there is no ground for anticipating less loyal conduct from the States in the future; that it may continue so, is undoubtedly to be hoped, but it cannot be maintained as absolute certainty. The further arbitration is extended, the more numerous arbitral awards become, the greater the possibility becomes of a fulfilment being refused; and even one single case of this kind would be injurious to the cause of arbitration by bringing it into discredit. As soon as the *Cour de Justice Arbitrale* is erected, thereby placing the crown upon the organization of international administration of justice, there must not be the remotest possibility of its awards remaining unfulfilled. The most effective guarantee for this would be in the possibility of an execution; it might hardly ever be necessary to make use of it, but by its mere existence it would

act compellingly upon the parties, and enhance the authority of the award.

As has been pointed out by various writers, the execution of international sentences which were not voluntarily carried out would not be the only duty which the police force of the Community of States would have to carry out in their interests. Van Vollenhoven was the first to point out that the international rules for the protection of neutrals in time of war, which are either sanctioned by custom or have been expressly regulated by treaty, in order to be thoroughly effective, require an international institution, which, — should it be necessary — will see to the carrying out of these rules. What an enormous significance such an organ would have for the protection of the small and middle-sized States, which have the strongest ground for the fear that in a war between their more powerful neighbours their neutrality will be violated, is sufficiently clear. For the permanently neutral States also the institution in question would be of great importance. It naturally lies in their interest to see the most effective possible guarantee of their neutrality established, in order that their principal protection shall not lie in the guarantee of interested States, but in objective impersonal International Law, and in an international organization. The international guarantee of neutrality would also gain a different, more tangible and solid significance, if behind the promise, as guarantee of its ful-

filment, there stood a coercive force, which was independent of the current political conjunctions. In its further development the international executive would be active as the guarantee of peaceful order and international justice and be a protection against breaches of International Law. Perhaps within a few decades it will be regarded as a perfectly natural and indispensable international institution.

In van Vollenhoven's scheme the first step would be to institute an international fleet as instrument for the international execution, later this would probably be augmented by an international executive army.

This idea contains nothing strained, or irreconcilable with the true principles of the Law of Nations. If an international force should one day be instituted, it is quite natural that it should take this form. The exercise of international police duty by a common force occurs even now, not only in such collective action as a pacific blockade, or an armed intervention, but also, if only in a small degree, in such cases as the maintenance of a co-dominion, the police of the European Danube commission, etc. \*) It is of course obvious that an international navy or army would be composed of forces of several nations; but to be able to fulfil their purpose most effectively, they would

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\*) We may here refer to the peculiar regulation of the Congo act (art. 21) by which the international Congo Commission in case of need may call the war ships of the signatories to its aid.

have to be as far as possible independent of the particular States, and exercise their functions in the name of the Community of States. The first condition for their activity would be, at least as a rule, an appeal from the State needing protection. An independent authority to decide upon such an appeal would, of course, not rest with this force; whether the order of execution would always be given by the Arbitration Court, or in some cases by it and in others by a special board of execution, will depend upon special considerations. The regulations of the application of the international executive force must of course be settled by an international agreement; that it may never be used for the destruction or oppression of a state does not need to be emphasized. The circumstance that the different States would make unequal contributions to the international force, would make no difference in their claim upon it, as it would be in no wise at the service of individual States; but at that of their Community. Although the force, put together in this way, would form a power, independent of the States lending national contingents to it, yet, upon general principles of justice, it follows that the portion of the force contributed by a State would never be used against that State.

From the important principle that the international police force must be absolutely independent of the individual Powers, it follows that the land and sea forces which a State has contributed to its

formation, as long as they form part of this, must not at the same time be used for any *national* purpose, otherwise friction and collisions would too easily occur. This brings us to a weak point in the proposals regarding the international police force which has so far been overlooked. To ensure a swift and certain action of the international police organ, the contingent of each State must be, so to speak, individualized, and kept separate from the forces reserved for national purposes. The duty imposed upon each State for the benefit of international action would therefore not merely consist in an obligation to have ready upon necessity so and so many ships or men, but there would have to be at any rate a certain proportion of their contribution completely withdrawn from private purposes, and at the disposal of the international execution without any special requisition having to be made.

It can easily be seen how difficult it would be to force a State that was itself at war, and therefore needed all its forces, especially its ships, for its own protection, to take part in an international execution on the ground of the obligation it had undertaken. But the police force must be one which can work with untrammelled effectiveness and rapidity, independent of political considerations and political necessities. From this it follows that the international force, or at any rate a portion adequate to the probable requirements, must be collected and localized in

a certain country. That this country must not be a great power, or any State of political significance, is of course sufficiently obvious. The rivalry between the Powers puts that at once out of the question, the fear might easily arise of the Power in question making an unfair use of the forces, and even the slightest appearance of a predominance of one State over the rest of the Community must be avoided. Moreover it would lead to difficulties and troubles if the international fleet or army had to be turned against the state upon whose ground they had their seat, and which would necessarily bear a certain responsibility for them. Again for practical reasons it would be impossible that the forces in question should take up their quarters successively in the different countries, To settle this question satisfactorily, in my opinion, one of the permanently neutral states (if necessary two, in different hemispheres) as playing no „personal” part in the greater politics must be chosen as the seat of the forces in question. But even this would not be sufficient. This *international state* would be not only a neutralized state, but also a peculiarly organized state. It is true the international state would be governed by its own institutions, and not by a „Federal Government” or by a co-imperium of the members of the Community of States, but as a consequence of its task with regard to the international police force, there would necessarily be certain permanent limitations imposed upon its freedom of action, in its

international relations, and the Community of States, within certain limits, would have the right to make certain demands upon it, to which otherwise it would have no international legal claim. It is obvious that any difficulties that might arise between this state and the other Powers would without exception have to be decided by arbitration. At the same time it would offer an experimental field for new international principles and institutions, and it is evident that a state which should be placed in such a peculiar position with regard to the Law of Nations would be more appropriate than any other state, as a home for international institutions; the Community of States would be at liberty to place there every new international legal organ, the establishment of which it had decided upon. In this way the international state would serve in an equal degree both international legal security and the organization of international administration. Its permanent neutrality would be assured under all circumstances, and its integrity secured against all foreign assault. For these purposes it would with all its organization, stand under the guarantee of the Community of States.

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## THEODORE ROOSEVELT (U. S. AMERICA).

EX-PRESIDENT OF THE UNITED STATES OF AMERICA.

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I. From: Presidential Message, December 1904.

In treating of our foreign policy and of the attitude that this great nation should assume in the world at large, it is absolutely necessary to consider the army and the navy, and the Congress, through which the thought of the nation finds its expression, should keep ever vividly in mind the fundamental fact that it is impossible to treat our foreign policy, whether this policy takes shape in the effort to secure justice for others or justice for ourselves, save as conditioned upon the attitude we are willing to take toward our army, and especially toward our navy. It is not merely unwise, it is contemptible, for a nation, as for an individual, to use high sounding language to proclaim its purposes, or to take positions which are ridiculous if unsupported by potential force, and then refuse to provide this force. If there is no intention of providing and of keeping the force necessary to back up a strong attitude, then it is far better not to assume such an attitude.

The steady aim of this nation, as of all enlightened nations, should be to strive to bring ever nearer the day when there shall prevail throughout the world the peace of justice. There are kinds of peace which are

highly undesirable, which are in the long run as destructive as any war. Tyrants and oppressors have many times made a wilderness and called it peace. Many times peoples who were slothful or timid or shortsighted, who had been enervated by ease or by luxury, or misled by false teachings, have shrunk in unmanly fashion from doing duty that was stern and that needed self-sacrifice, and have sought to hide from their own minds their shortcomings, their ignoble motives, by calling them love of peace. The peace of tyrannous terror, the peace of craven weakness, the peace of injustice, all these should be shunned as we shun unrighteous war.

The goal to set before us as a nation, the goal which should be set before all mankind, is the attainment of the peace of justice, of the peace which comes when each nation is not merely safeguarded in its own rights, but scrupulously recognizes and performs its duty toward others. Generally, peace tells for righteousness, but if there is conflict between the two, then our fealty is due first to the cause of righteousness. Unrighteous wars are common, and unrighteous peace is rare; but both should be shunned. The right of freedom and the responsibility for the exercise of that right cannot be divorced.

If these self-evident truths are kept before us, and only if they are so kept before us, we shall have a clear idea of what our foreign policy in its larger aspects

should be. It is our duty to remember that a nation has no more right to do injustice to another nation, strong or weak, than an individual has to do injustice to another individual; that the same moral law applies in one case as in the other, but we must also remember that it is as much the duty of the nation to guard its own rights and its own interests as is it the duty of the individual so to do. Within the nation the individual has now delegated this right to the State, that is, to the representative of all the individuals, and it is a maxim of the law that for every wrong there is a remedy. But in international law we have not advanced by any means as far as we have advanced in municipal law. There is as yet no judicial way of enforcing a right in international law.

When one nation wrongs another or wrongs many others there is no tribunal before which the wrongdoer can be brought. Either it is necessary supinely to acquiesce in the wrong, and thus put a premium upon brutality and aggression, or else it is necessary for the aggrieved nation vallantly to stand up for its rights. Until some method is devised by which there shall be a degree of international control over offending nations it would be a wicked thing for the most civilized powers, for those with most sense of international obligations and with keenest and most generous appreciation of the difference between right and wrong, to disarm.

If the great civilized nations of the present day

should completely disarm the result would mean an immediate recrudescence of barbarism in one form or another. Under any circumstances a sufficient armament would have to be kept up to serve the purposes of international police, and until international cohesion and the sense of international duties and rights are far more advanced than at present a nation desirous both of securing respect for itself and of doing good to others must have a force adequate for the work which it feels is allotted to it as its part of the general world duty.

Therefore, it follows that a self-respecting, just and far-seeing nation should on the one hand endeavour by every means to aid in the development of the various movements which tend to provide substitutes for war, which tend to render nations in their action toward one another, and indeed toward their own peoples, more responsive to the general sentiment of humane and civilized mankind, and, on the other hand, that it should keep prepared, while scrupulously avoiding wrongdoing itself, to repel any wrong, and in exceptional cases to take action which in a more advanced stage of international relations would come under the head of the exercise of the international police. A great free people owes it to itself and to all mankind not to sink into helplessness before the powers of evil.

2. From: „International Peace. An Address before the nobel Prize Committee delivered at Christiania, Norway, May 5, 1910”.

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“It would be a master stroke if those great powers honestly bent on peace would form a League of Peace, not only to keep the peace among themselves, but to prevent, by force if necessary, its being broken by others. The supreme difficulty in connection with developing the peace work of The Hague arises from the lack of any executive power, of any police power to enforce the decrees of the court. In any community of any size the authority of the courts rests upon actual or potential force; on the existence of a police, or on the knowledge that the able-bodied men of the country are both ready and willing to see that the decrees of judicial and legislative bodies are put into effect. In new and wild communities where there is violence, an honest man must protect himself; and until other means of securing his safety are devised, it is both foolish and wicked to persuade him to surrender his arms while the men who are dangerous to the community retain theirs. He should not renounce the right to protect himself by his own efforts until the community is so organised that it can effectively relieve the individual of the duty of putting down violence. So it is with nations. Each nation must keep well prepared to defend itself until establishment of some form of international police power, competent and willing to prevent

violence as between nations. As things are now, such power to command peace throughout the world could best be assured by some combination between those great nations which sincerely desire peace and have no thought themselves of committing aggressions. The combination might at first be only to secure peace within certain definite limits and on certain definite conditions; but the ruler or statesman who should bring about such a combination would have earned his place in history for all time and his title to the gratitude of all mankind."

3. From: *Why America should join the allies*, 1914, p. 22—23, 39—48, 49—50.

What I propose is a working and realisable Utopia. My proposal is that the efficient civilised nations—those that are efficient in war as well as in peace—shall join in a world league for the peace of righteousness. This means that they shall by solemn covenant agree as to their respective rights which shall not be questioned; that they shall agree that all other questions arising between them shall be submitted to a court of arbitration; and that they shall also agree—and here comes the vital and essential point of the whole system—to act with the combined military strength of all of them against any recalcitrant nation, against any nation which transgresses at the expense of any other nation the rights which it is agreed shall not be questioned, or which on matters that are arbitrable

refuses to submit to the decree of the arbitral court.

In its essence this plan means that there shall be a great international treaty for the peace of righteousness; that this treaty shall explicitly secure to each nation and except from the operations of any international tribunal such matters as its territorial integrity, honour, and vital interest, and shall guarantee it in the possession of these rights; that this treaty shall therefore by its own terms explicitly provide against making foolish promises which cannot and ought not to be kept; that this treaty shall be observed with absolute good faith—for it is worse than useless to enter into treaties until their observance in good faith is efficiently secured.

Finally, and most important, this treaty shall put force back of righteousness, shall provide a method of securing by the exercise of force the observance of solemn international obligations. This is to be accomplished by all the powers covenanting to put their whole strength back of the fulfilment of the treaty obligations, including the decrees of the court established under and in accordance with the treaty.

Fear of national destruction will prompt men to do almost anything, and the proper remedy for outsiders to work for is the removal of the fear. If Germany were absolutely freed from danger of the least aggression on her eastern and western frontiers, I believe that German public sentiment would refuse to sanction such acts as those against Belgium.

The only effective way to free it from this fear to have outside nations like the United States in good faith undertake the obligation to defend Germany's honour and territorial integrity if attacked, exactly as they would defend the honour and territorial integrity of Belgium, or of France, Russia, or England, or any other well-behaved, civilised power, if attacked.

This can only be achieved by some such world league of peace as that which I advocate. Most important of all, it can only be achieved by the willingness and ability of great, free powers to put might back of right, to make their protest against wrong-doing effective by, if necessary, punishing the wrongdoer.

It is this fact which makes the clamour of the pacifists for "Peace, Peace," without any regard to righteousness, so contemptible and so abhorrent to all right-thinking people. There are multitudes of professional pacifists in the United States, and well-meaning but ill-informed persons who sympathise with them from ignorance.

There are not a few astute persons who wish to take sinister advantage of the folly of these persons, in the interest of Germany. All of these men clamour for immediate peace. They wish the United States to take action for immediate peace or for a truce, under conditions designed to leave Belgium with her wrongs unredressed and in the possession of Germany.

They strive to bring about a peace which would contain within itself the elements of frightful future



disaster, by making no effective provision to prevent the repetition of such wrongdoing as has been inflicted upon Belgium. All of the men advocating such action, including the professional pacifists, the big business men largely of foreign birth, and the well-meaning but feeble-minded creatures among their allies—and including especially all those who from sheer timidity or weakness shrink from duty—occupy a thoroughly base and improper position.

The peace advocates of this stamp stand on an exact par with men who, if there were an epidemic of lawlessness in New York, should come together to demand the immediate cessation of all activity by the police, and should propose to substitute for it a request that the highwaymen and burglars cease their activities for the moment on condition of retaining undisturbed possession of the ill-gotten spoils they had already acquired.

The only effective friend of peace in a big city is the man who makes the police force thoroughly efficient, who tries to remove the causes of crime, but who unhesitatingly insists upon the punishment of criminals. Pacifists who believe that all use of force in international matters can be abolished will do well to remember that the only efficient police forces are those whose members are scrupulously careful not to commit acts of violence when it is possible to avoid them, but who are willing and able, when the occasion arises, to subdue the worst

kind of wrongdoer by means of the only argument that wrongdoer respects, namely, successful force. What is thus true in private life is similarly true in international affairs.

No man can venture to state the exact details that should be followed in securing such a world league for the peace of righteousness. But, not to leave the matter nebulous, I submit the following plan.

It would prove entirely workable, if nations entered into it with good faith, and if they treated their obligations under it in the spirit in which the United States treated its obligations as regarded the independence of Cuba, giving good government to the Philippines, and building the Panama Canal; the same spirit in which England acted when the neutrality of Belgium was violated.

All the civilised powers which are able and willing to furnish and to use force, when force is required to back up righteousness—and only the civilised powers who possess virile manliness of character and the willingness to accept risk and labour, when necessary to the performance of duty, are entitled to be considered in the matter—should join to create an international tribunal and to provide rules in accordance with which that tribunal should act.

These rules would have to accept the *status quo* at some given period; for the endeavour to redress all historical wrongs would throw us back into chaos. They would lay down the rule that the territorial

integrity of each nation was inviolate; that it was to be guaranteed absolutely its sovereign rights in certain particulars, including, for instance, the right to decide the terms on which immigrants should be admitted to its borders for purposes of residence, citizenship, or business; in short, all its rights in matters affecting its honour and vital interest. Each nation should be guaranteed against having any of these specified rights infringed upon.

They would not be made arbitrable, any more than an individual's right to life and limb is made arbitrable; they would be mutually guaranteed.

All other matters that could arise between these nations should be settled by the international court. The judges should act not as national representatives, but purely as judges, and in any given case it would probably be well to choose them by lot, excluding, of course, the representatives of the powers whose interests were concerned. Then, and most important, the nations should severally guarantee to use their entire military force, if necessary, against any nation which defied the decrees of the tribunal or which violated any of the rights which in the rules it was expressly stipulated should be reserved to the several nations, the rights to their territorial integrity and the like.

Under such conditions—to make matters concrete—Belgium would be safe from any attack such as that made by Germany, and Germany would be relieved

from the haunting fear its people now have lest the Russians and the French, backed by other nations, smash the Empire and its people.

In addition to the contracting powers, a certain number of outside nations should be named as entitled to the benefits of the court. These nations should be chosen from those which were as civilised and well-behaved as the great contracting nations, but which, for some reason or other, were unwilling or unable to guarantee to help execute the decrees of the court by force.

They would have no right to take part in the nomination of judges, for no people are entitled to do anything towards establishing a court unless they are able and willing to face the risk, labour, and self-sacrifice necessary in order to put police power behind the court.

But they would be treated with exact justice, and in the event of any one of the great contracting powers having trouble with one of them, they would be entitled to go into court, have a decision rendered, and see the decision supported precisely as in the case of a dispute between any two of the great contracting powers themselves.

No power should be admitted into the first circle, that of the contracting powers, unless it was civilised, well-behaved, and able to do its part in enforcing the decrees of the court. China, for instance, could not be admitted, nor Turkey, although for different reasons, whereas Germany, France, England, Italy, Russia, the

United States, Japan, Brazil, the Argentine, Chile, Uruguay, Switzerland, Holland, Sweden, Norway, Denmark, and Belgium would all be entitled to go in.

Of course, grave difficulties would be encountered in devising such a plan and in administering it afterwards, and no human being can guarantee that it would absolutely succeed. But I believe that it could be made to work and that it would mark a very great improvement over what obtains now. At this moment there is hell in Belgium and hell in Mexico; and the ultra-pacificists in this country have their full share of the responsibility for this hell. They are not primary factors in producing it. They lack the virile power to the primary factors in producing anything, good or evil, that needs daring and endurance. But they are secondary factors, for the man who tamely acquiesces in wrongdoing is a secondary factor in producing that wrongdoing. Most certainly the proposed plan would be dependent upon reasonable good faith for its successful working, but this is only to say what is also true of every human institution. Under the proposed plan there would be a strong likelihood of bettering world conditions. If it is a Utopia, it is a Utopia of a very practical kind.

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T. W. KINKAID, (U. S. AMERICA).

COMMANDER U. S. NAVY.

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From: Procedures of U. S. Naval Institute, Annapolis MD.  
March 1911. p. 91—93.

Should there be an international navy?

1. Looking back at the inception and history of the Hague Tribunal, it must be conceded, I think, that the institution has „made good”. Its sessions have been attended by some of the most able representatives that the countries of the world could summon; and at least several of the agreements reached at the conferences have commanded wide respect and have made for lasting peace. Quoting James Brown Scott’s „*Texts of the Peace Conferences*”: “Since the meeting of the First Hague Conference, four great and important cases have been submitted to the Hague Tribunal, have been adjudicated, and the judgments cheerfully and promptly accepted by the litigating nations”.

2. But such progress as has been achieved to date has come in spite of an obvious defect of plan. To be sure, there are many peace-loving and well-intentioned enthusiasts who contend that the Tribunal as now constituted and supported is practically sufficient in all respects for considering and solving all questions that are likely to disturb the world’s peace. But, on the other hand, those persons whose conten-

tion is that no permanent or great good can be accomplished by a court that has not a backing of adequate military force are doubtless in a great majority. Quoting Scott again: "It may be maintained that international law is law in the strict sense of the word, or it may be contended that it lacks an essential element of law, because there is no international sheriff."

3. Considering the situation of our own Supreme Court, our citizens are at all times more or less conscious of the fact that the decisions of that august body are entitled to and in case of necessity would receive the backing of the entire military force of the country administered by the President and supported by the Congress.

4. The criticism that the Hague Tribunal has no military support need not always exist. The object of this brief paper is to suggest that the leading nations of the world unite for the formation and maintenance of an international navy.

#### ORGANIZATION AND MATERIEL.

5. Let us assume that in the beginning a special conference of representatives of twelve of the leading nations has brought into existence a treaty binding each of the high contracting powers to contribute to the international fleet a force consisting of twelve first-class battleships, twelve torpedo-boat destroy-

ers, and three scouts, all fully manned. Here we have to start with:

144 battleships

144 destroyers

36 scouts.

6. Each contribution of twelve battleships should involve the detail of three flag officers, preferably with the rank of rear-admiral.

7. It is not the object of the present writer to offer a perfected scheme of command; but it seems necessary to suggest a plan for determining the three or four ranking officers of the fleet.

8. It is proposed that there be designated by election, each flag officer having one vote, one high admiral, and one vice-admiral. Thus would the supreme command be provided for under whatever contingencies would be likely to arise.

#### RENDEZ-VOUS AND DRILLS.

9. The treaty authorizing the fleet should make due provision for securing such neutralized harbors and islands as would be necessary for the overhaul of the materiel, and for exercise of ships and personnel near shore. If several suitably situated islands in the Atlantic and Pacific Oceans, having good and commodious harbors, and good grounds for infantry drill purposes, could be secured, the fighting efficiency of the great force could be maintained at all seasons.



## MAINTENANCE.

10. It would undoubtedly be necessary for the several contracting nations to withdraw a vessel or vessels from time to time, replacing those withdrawn by others in good repair. It could reasonably be expected that each of the nations would take pride in furnishing as its fleet representatives the best vessels of the authorized types that it could produce.

11. It is suggested that the furnishing of its quota of vessels to the international fleet should not in the least degree debar a nation from carrying out any building or manoeuvring program that it might choose to indulge in. But, should the project of an international fleet realize the hopes of the present writer, the maintenance of a large individual naval force in addition to the international quota would within a few years be manifest folly.

12. Contributions of money for the support of the fleet should of course be provided for in the treaty.

## SECESSION.

13. It is suggested that the treaty should provide that none of the contributing nations should withdraw its vessels or its personnel without giving at least six months' notice of its intention so to do; and that it should be the sworn duty of the commander-in-chief to prevent, by force if necessary, any withdraw-

al of vessels or personnel except in accordance with the provisions of the treaty.

#### USE OF THE FLEET.

14. Assuming that the formation and organization of the fleet are realized, how shall it be directed and used? I cannot conceive of any better source of authority than the President of the Permanent Court of Arbitration. At once there comes to mind the enormous responsibility and power that by this plan must be invested in one man. Will the nations ever reach an agreement as to this question? Will they make the Hague Tribunal the Court of Courts? Will they make the president of the Court virtually President of the World? Perhaps a prolonged campaign of education will furnish the answer.

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C. F. GOODRICH (U. S. AMERICA)

REAR-ADMIRAL U. S. NAVY.

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From an article in *The Nineteenth Century*, July 1911, p. 24.

### Wanted — an International Police.

If the traditional visitor from Mars were asked, on his return to his native planet, what the inhabitants of Terra are doing, he would doubtless dwell more upon the moral and social aspects of the communities he had observed than upon their material development, which, for all we know, may be vastly inferior to that of the Martians themselves. The disparity in the conditions of life here and their wide range, from toil-less luxury to the bare struggle for existence, would have impressed him as it does all students of things human; but I venture to believe that, among the extraordinary phenomena to attract his attention, not the least extraordinary would be the jealousies, suspicions, and animosities now prevailing, one might almost say raging, between the different peoples of this earth. Omitting the case of Japan, which does but imitate its presumed betters, he might sum up the situation by asserting that the most marked exhibition of these evil propensities is to be found among the hundreds of millions of Christians who worship God in professed acceptance of the moral code pro-

claimed nearly two thousand years ago by the Prince of Peace. 'Could there', he might inquire, 'be a more grotesque contradiction between prophecy and fulfilment than is disclosed by the alarming state of affairs which I have just witnessed and examined?' And, it may be added, no more severe indictment could be brought against Christendom than the bare recital of the facts in the case.

The discouraging feature of this universal distemper is that its most striking symptoms are of comparatively recent origin and growth. Well may the pessimist see no light behind the clouds and so lose all hope of better things. On the other hand, the optimist, with even more reason, may hold that it is always darkest just before dawn and that the present menacing attitude between the nations, being but the work of man's hand, can by man's hand be equally well changed into franker recognition of each other's necessities and legitimate aspirations, into such mutual concessions and agreements as will postpone indefinitely the Armageddon toward which all seem now to be tending.

Classing myself among the optimists, I venture to make my humble and insignificant contribution to the solution of the most important general problem with which the statesmen of the world are now confronted, claiming a place in the ranks on the ground that nearly thirty years ago I formed and expressed an opinion on this subject which time and thought have only ser-

ved to strengthen, although, since that date, certain events have occurred to modify somewhat the application of that opinion. It was then my great privilege to be much in the company of my wise and able friend, now, as Sir George Sydenham Clarke, the Governor of Bombay, and between us we discussed pretty much every topic of general or special interest, including, in particular, the likelihood and nature of wars to come. On the last subject we conceived and formulated some peculiar, if delightfully fantastic, notions. Briefly summarised, we reached the conclusion that, since peace was an almost indispensable condition of human progress, no more important duty lay upon Governments than the adoption of well-considered measures to secure and preserve it. It may be ascribed to the enthusiasm of youth that we agreed between ourselves that this noblest of all missions devolved, or should devolve, upon the Anglo-Saxon race. We knew this conclusion to be a counsel of perfection and wholly chimerical, but it was a pleasant picture to paint, and who shall deny to the artists the joy they experienced in laying their brilliant colours upon their imaginary canvas? Specifically, we would have had the United States and Great Britain unite in announcing that they would exert their joint power to prevent warfare, even to the point of taking active sides with any nation which had expressed a willingness, and against the nation which had refused, to submit to arbitration any serious difference arising

between the two and not settled by diplomatic methods; the latter preferring the „arbitrament of war,” a specious phrase, for war settles nothing but military superiority, and that only for the time being. Might prevails, whether right or wrong, but mankind being more keenly interested in the victory of right than in the victory of might will sooner or later cease to regard war as in any sense a rational composer of international quarrels. At that moment, Great Britain's fleet and America's great potential, if not actual, army, when thrown into the scales would have turned them inevitably in favour of the nation ready to accept the results of arbitration, and the war would have been averted, for the other Government could scarcely decline to follow suit in the face of so overpowering a combination.

Of course, all this was Utopian in the extreme, the unsubstantial fabric of which dreams are made, and no one was more keenly or regretfully aware of its futility than the two young men who would have done such great things, they thought, had only the power been given them.

But much water has flowed beneath the bridge since those quiet evenings in 1884, and the civilised world has made several un hoped-for advances towards the goal we then had in mind. At the same time, new factors, at that moment unforeseen, have been injected into the perplexing question. The Hague Tribunal has been established, to win through its

decisions increased confidence in the possibility of composing international differences by the processes of sweet reason. Treaties of arbitration have passed from the realm of the dreamer into the commonplaces of world politics. The latest of these treaties, due in large measure to the personal interest of America's broad-minded and courageous President, Mr. Taft, will put a seal upon the banishment of hostilities between the English-speaking peoples. The almost universal satisfaction with which the proposal has been received on both sides of the Atlantic cannot fail to make other peoples covet similar conventions in their turn.

Marching *pari passu* with this growing practice of appeal to arbitration is the sinister fact that nowhere are armies and navies diminishing in numbers and strength; rather are they increasing by leaps and bounds, bearing through heightened and constantly heightening cost more and more upon the taxpayer, and indirectly by his distribution of their charges upon the clerk, the artisan, and even the family of the poorest day-labourer. It is incredible that two such utterly antagonistic movements should co-exist, but none the less it is true....

....It will be many a long day before armies and navies can be entirely abolished, for they are the nation's visible police, without which Governments would be powerless to compel and maintain order. Our civilisation has not reached the point where the

policeman and his club can be dispensed with. When that happens, and not before, armies and navies may disappear. But this consideration has little or nothing to do with the desirability of reducing them to dimensions that involve no serious burden, or with those larger moral questions, the undue exaltation of brute force and the unrestrained spirit of militarism....

....The advocates of universal peace must have patience, must be content with a steadily growing public sentiment in favour of their aims and with the continued progress now making towards their goal, rather than despair because the whole measure of disarmament is not immediately feasible. If the disappearance of the exercise of private vengeance on the part of the individual be cited as a precedent, allowance must be made for the time element. However much they may regret the slowness with which the world moves, yet, as Galileo said,

*E pur si muove,*

for it has already reached the point when the reference to The Hague of very thorny disputes is untended by the loss of national dignity.

After all, wherein does the real power of a court reside? In the justice and wisdom of its findings? Not at all. The disappointed plaintiff, or the defendant cast in heavy damages, has no holy respect for either judge, jury, or statute.



No rogue e'er felt the halter draw

With good opinion of the law.

None the less, having lost his case, he conforms to the orders of the court without delay, because he knows that back of the court is the police of the town, or city, or county or State, supported, if need be, by the nation's entire army and navy. Resistance is futile. He may loathe the whole judicial scheme and machinery, but he fears the strong hand that sustains them and makes obedience to them imperative. Herein is The Hague's weak point: it lacks the means to enforce its decrees. Consequently it is but a court of arbitration pure and simple, pronouncing its verdict on the subject at issue only when the two litigants agree in advance to abide by that verdict. It is not yet a court to which one nation may apply for justice against another nation. International law has not attained the development and authority of statute and common law. Until it does, the peoples of the earth are going to see that their fleets are powerful and their armies equipped with the latest things in rifles and aeroplanes. Up to the present moment war has been almost the normal state, and when not actually engaged in hostilities the nations have been whetting their tomahawks and casting jealous and angry eyes on their neighbours across the border. Naturally they find it very difficult to abandon the practice, horrid though it be.

But, suppose some strong Government whose moti-

ves are above suspicion, which has nothing to gain by the new order of things, after recognising existing boundaries on the principle of *uti possidetis*, and likewise recognising the right of every country to regulate its affairs in its own fashion within those boundaries were to invite the other strong nations to unite in threatening to intervene jointly on the side of any Government which agreed to submit international differences to The Hague should hostilities become imminent, and against the other refusing so to submit its case? The Hague tribunal would then become a real court, with a visible and overwhelming police to compel acceptance of its judgments even against a party *in absentia*. The matter in question would be adjudicated on its merits, even if one party obstinately refused to appear in court, and the decision would stand. In some such manner as this the dream of the two young men who, many years ago, pondered over this great problem may yet come substantially, if not exactly, true. The suggestion is at least in consonance with the growth of the nation from its origin in the family. That nations should ever be willing to give up their right of private vengeance seems to the majority of persons to-day absurd and fantastic in the extreme. In the same spirit their great-grandfathers scouted the idea of abandoning the duel as not in keeping with a proper sense of honour, but swords are no longer worn and gentlemen realise that disgrace lies in their own words and deeds, not in what others say of them.

All this may not happen for years to come, but the trend of events is in that direction, for in it is the only practical path of advance if the affairs of nations are to continue their development on lines parallel to those of the affairs of individual men—a logical and consistent supposition. It is hard to believe that any of the chief Powers could eventually decline to enter into such a compact, excepting for the moment Russia, which still has a bone to pick with Japan, a consideration which makes one less sanguine of the immediate acceptance of such a peace-assuring measure.

If, or when (for I am convinced that sooner or later this notion of Sir George Clarke's and mine will virtually govern international relations), the bright day dawns when the principal Powers shall combine to give The Hague tribunal the physical force it now lacks, the necessity for great armies and navies will disappear. It is simpler and more discreet to assume good grounds for their existence than to hint at sinister motives, and it is surely wiser to remove those grounds than to advocate an universal reduction of armaments which no Government is ready to inaugurate.

I have elsewhere said that peace is not so much a condition as a frame of mind. When everybody wants it, wars will cease. For this reason I feel that much time and discussion will be needed before the suggestion made in this writing can be generally accepted. As the English-speaking peoples are taking one long

stride in the ways of peace, one is not too foolishly optimistic who dares hope they will eventually, either separately or together, take this next and even more important step. It will have far-reaching and beneficial consequences, since it follows, as clearly as any effect follows any established cause, that, the grounds for the swollen armaments of to-day being removed, armies and navies, where retained at all, will automatically shrink to such proportions as the local necessities shall dictate

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## NICHOLAS MURRAY BUTLER (U. S. AMERICA).

PRESIDENT OF COLUMBIA UNIVERSITY.

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From: "The international mind", New-York, 1912, p. 5—10, 13, 76—77.

Like an individual, a nation has a mind and a conscience, and it has them in a very real sense. As politicians and statesmen have long since found out, the terms Puritan conscience in America, nonconformist conscience in England, French spirit and German idealism on the Continent, are not names for empty abstractions, but they stand in each case for what is terribly real. One of the chief problems of our time is to bring the nations' minds and the nations' consciences to bear on the moral problems involved in international relations. This is a step in the moral education of the world. It carries with it no necessary criticism upon what has gone before and no aspersion upon what now exists, any more than the full fruit reflects discredit upon the seed from which it sprang. The more perfect and complete morality of the future is itself to be the product of the incomplete and imperfect, but always improving, morality of the past and of the present.

It is a mistake in history and an error in ethics to apply the standards and ideals of one period to the deeds and accomplishments of an earlier one. When we are asked to point out how we would have settled

the War of the Roses, the Thirty-Years' War, the war between Parliament and the Stuart King, the French Revolution, the Napoleonic struggles, or the American Civil War, by arbitration or by judicial methods, the answer is that the question is quite irrelevant. Whether mankind could have settled the problems involved in all of those contests, or in any one of them, without the use of force and the shedding of blood, I very much doubt; but then man was an earlier and a cruder being than he is to-day. Moreover, the nations and their forms of government were then only in the making, and there is no possible parallel with present conditions. The crucial question is not, will our standards and ideals apply backward, but will they not apply forward? Can we do better than to use the fine phrase of our own Lowell, and resolve not to

Attempt the Future's portal, with the Past's bloodrusted key?

The student of history and of nature, and still more the student of philosophy, realizes the implications of the process of evolution. Our political systems, our ethical standards, and our moral aspirations, are a development and are in development to-day. We need not pass unfavorable judgment upon those who have gone before in insisting that we shall endeavor to refrain from adopting methods which they often employed. We simply say that we have discovered and

are prepared to apply newer and better and more efficient methods than theirs were. We do not say that they should have applied our methods, for we dare not assert that the time had then come when such application was possible; but we do say, with the strongest emphasis, that we shall sacrifice no jot or tittle of our present moral insights or of our present intellectual convictions in facing the international problems of to-morrow.

Joubert, of whom both Sainte-Beuve and Matthew Arnold have written so charmingly, finely said: „Force and Right are the governors of this world; Force till Right is ready.” Right is ready in this twentieth century to claim her kingdom, and she asks Force to step down from the throne it has so long occupied that it may serve from this time on, not as Right’s substitute, but as Right’s ally.

There are good and earnest men who now and then express the fear that righteousness and peace may somehow or other come into conflict. This judgment appears to me to be based upon a study of the conditions that have prevailed in the past, rather than upon an appreciation of the forces that are indicated to rule the future. Not every judgment of a judicial tribunal, however learned and disinterested its members, brings complete satisfaction to both litigants, or even to the public at large; yet the overwhelming majority of judicial decisions are equitable and do give satisfaction to the public. Cannot the same be

said of the judicial settlement of differences between litigants when those litigants are nations instead of individuals? Or, if it cannot be said, then what assurance have we, if force be resorted to, that the cause of righteousness will prevail in the struggle? Will not „God be on the side of the heaviest battalions,” as Voltaire cynically suggested? If so, then the cause of righteousness will not be advanced by going to war, unless it can be supposed to be advanced by the mere struggle on its behalf. But if this be true, why should the struggle on behalf of righteousness take the brute form of physical exertion, rather than the truly human form of moral endeavor? The truth is that fighting is an animal appetite, and, excuse it as we may, moral beings must treat it as they treat animal appetites and subject it to rational control.

It is difficult, therefore, to see what real ground there is for supposing that righteousness and peace can come into conflict when those who seek righteousness are moral persons. If they are not moral persons, collective or individual, then what concept can they possibly have of righteousness? So long as human nature remains human, the several nations will each require their systems of police, and the world at large will require an international police; but this international police, while constituted of armies and navies, will, when it comes, be constituted in a way and from a point of view quite different from armies and navies maintained for offensive war.



Some concern is expressed as to how the findings of (a Permanent International Court of Justice) would be enforced. Are we not justified in believing that the moral sense of the civilized world would enforce them in ninety-nine cases out of a hundred? For the extreme hundredth case of disobedience an international police would be needed. That, however, many of us regard as a remote possibility.

It is not too much to hope that by the influence of these scholars the international law of the future will prove to be without the division between the law of peace and the law of war which is now characteristic of it. The method which obtains in the domain of municipal law affords a model and an example for the method to be applied in the field of international law. We need, first, an agreement as to the fundamental principles which should regulate the rights and duties of nations in their mutual intercourse, which principles would then form the substantive law of nations. The means and instrumentalities provided to enforce a right or to redress a wrong would indicate the natural and normal procedure to be followed in international discussion and litigation. It would then appear that for the maintenance of rights and for the redress of wrongs between nations there are, first, the legal remedies, and, secondly, the resort to violence and force. In this way the rules of war would cease to form a part of the substantive law of nations; they

would be classed together with the peaceable remedies and after them as one of the possible means of enforcing rights and redressing wrongs. The textbooks of international law would no longer put war on an equality with peace, but would relegate it to its appropriately subordinate place in the consideration of questions of procedure.

The Hague Conference has solemnly declared that the maintenance of peace is the supreme duty of nations. For the execution of this supreme duty adequate means must be provided. If they are at hand they should be strengthened; if they are not at hand they must be brought into existence. A study of the struggle in the history of Europe between self-redress and the judicial settlement of private disputes, and of the steps by which private warfare was abolished and civil actions were made determinable by courts of law, will help to convince the nations of the world that the very measures which they have taken within their several borders to do away with self-redress and to establish domestic peace and order, are precisely those which will establish order and justice and assure peace between the nations themselves. This whole process is one of legal evolution.

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## RESOLUTION OF CONGRESS (U. S. AMERICA).

I. HOUSE OF REPRESENTATIVES, JUNE 20, 1910.

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The first business . . . was the joint resolution (H. J. Res. 223) to authorise the appointment of a commission in relation to universal peace.

The joint resolution was read, as follows:

*Resolved, etc.,* That a commission of five members be appointed by the President of the United States to consider the expediency of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement, and of constituting the combined navies of the world an international force for the preservation of universal peace, and to consider and report upon any other means to diminish the expenditures of government for military purposes and to lessen the probabilities of war.

1. Mr. Bartholdt . . . It is quite natural, Mr. Speaker, that many methods should be proposed to accomplish this great purpose. There are those who demand immediate disarmament, or at least a reduction of armaments by international agreement. We have seen in the first Hague conference that the powers are unwilling to make concessions in this direction for reasons which are obvious and now known to all. Then there are those who believe that by a simple understanding, say between the United States, Great Britain, and Germany, to settle their own differences by arbitration, and simultaneously to enforce the peace of the world by their combined superior power, the

era of brute force may be forever terminated. I myself believe this to be the case, yet I can see how it **would** be much more preferable to place this new order of things upon a larger foundation, namely, upon a basis of law acquiesced in and supported, not by a few, but by all the governments.

The greatest achievement of the present generation was the establishment of the high court of nations at The Hague. That tribunal will grow in influence and dignity as the governments, by the force of public opinion, will become more and more accustomed to resort to it. But now it is necessary to go a step further. It has been justly said that there is no power in existence to enforce the judgments of an international court, and, consequently, that there is now no analogy between national and international law. Here, then, is a defect which must be corrected, and therefore the efforts of all friends of arbitration are now directed toward correcting it. It is true that practical experience has shown such force behind international law to be unnecessary, for all the hundreds of arbitration verdicts have so far been accepted without protest, but while this proves the tremendous force of moral sentiment, the world has no guarantee that some nation may not refuse to bow to the judgment of that court. And this points to the necessity of an international police force, to be maintained by the combined nations and supplied by them in proportion either to their population or, better still, to the volume of

their international commerce. The work of world organization or world federation was auspiciously begun by the creation of the Hague court, and we do not propose to have it stop there, but must insist that modern conditions which impress all with the absolute interdependence of nations imperatively demand its early completion.

I should like to speak more at length on this subject, which, to my mind, is more vital to the welfare of the people than any other, and more directly connected with the question of the high cost of living than any other; but time will not permit. Let us, by the passage of this resolution, declare that the American Congress is anxious to learn what further steps should be taken to relieve the people of military burdens and of the uncertainty of what is called peace, but what in reality is but an armistice, and let us reaffirm our faith in America's leadership in this great cause. I hope the resolution will be passed without a dissenting vote.

Mr. Bennet of New-York. Mr. Speaker, the resolution just passed is the greatest step forward ever taken by a legislative body toward world-wide peace. I hope that it will become law at this session. The gentleman from Missouri (Mr. Bartholdt), the recognized leader here in peace movements, is especially to be congratulated on this result of his past work.

I am informed that the movement has already

received attention abroad and that the British cabinet has announced its sympathy with the movement. The announcement was made in the House of Commons in answer to a question. In view of the importance of the subject, I shall insert in the Record the report of the committee.

2. HOUSE REPORT No. 1440, SIXTY-FIRST CONGRESS, SECOND SESSION.

UNIVERSAL PEACE.

The Committee on Foreign Affairs, having had under consideration House resolution 553, House concurrent resolution 36, and House concurrent resolution 45, introduced by Mr. Bennet of New-York, and House joint resolution 187, introduced by Mr. Bartholdt, report in lieu thereof the joint resolution reported herewith.

The Committee is of the opinion that universal peace being an end most earnestly to be sought, our country, with its great resources and wealth, with no foreign enemies or entanglements, and with none but disinterested motives, might well take a decided step in favor of universal peace.

Further reasons for this joint resolution and in part explaining its form are contained in the attached remarks of former President Roosevelt at Christiania, and of Representatives Fassett and Bennet of New-York, in the House of Representatives on March 30, 1910, and the article by Hamilton Holt, esq.

3. FROM: THE ANNUAL REPORT OF THE SECRETARY OF THE NAVY FOR THE FISCAL YEAR 1910, DATED NOV. 30, 1910.

Preparedness for war a preventive.

All nations are in accord in expressing a desire for peace. The question has even been agitated that there should be an international court of arbitration or supreme court for the adjudication of international affairs. Unfortunately, we are, in all probability,

somewhat distant from any such arrangement, but even if that should come the court's decrees would be of no avail unless they could be carried out, and under the most favorable circumstances it will be necessary for at least five or six of the nations to maintain navies which will be able to enforce the decrees of the international court against any single nation that might object to its decisions.

4. From: W. H. Taft's Presidential message, to the Senate and House of Representatives December 6, 1910, (p. 9).

I have not as yet made appointments to this Commission <sup>1)</sup> because I have invited and am awaiting the expressions of foreign governments as to their willingness to cooperate with us in the appointment of similar commissions or representatives who would meet with our commissioners and by joint action seek to make their work effective.

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<sup>1)</sup> See p. 179 *supra*.

## ANDREW CARNEGIE (U. S. AMERICA).

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From a speech delivered at the Peace Palace at the unveiling of Sir Randal Cremer's bust, August 29, 1913.

Allow me to give expression to certain thoughts which the present situation suggests from the point of view of the International pacifist movement, to which Cremer dedicated himself. The civilized world has at last realised after many centuries of sad experience that the greatest of benefits is Peace. There is not a single ruler of the civilized world, Emperor or Under-Secretary of State, who does not recognise this truth. This fact deeply impresses them all. So far has humanity already advanced in this direction. Slowly this further truth has penetrated men's hearts, that nations are not made to live and labour apart, each for itself, but, on the contrary, to exchange the products of their respective industries. Their exchanges already reach the enormous sum of £ 6,800,000,000, per annum, and continue to increase by a natural law. The nations of the world do not subsist solely upon what they produce themselves. Thus the United Kingdom is obliged to import the food-products it requires. Stop this importation and its inhabitants die of starvation. Hence its gigantic naval forces. Other nations to the extent and degree that their population increases will be obliged to do the same. Last year



Germany imported food-products to the total value of £ 75,000,000. (Her entire importations amounted to £ 480 millions.) France £ 56 millions, the United States themselves reached the figure of £ 700 millions. To such an extent do the nations of the world support one another.

A noble ideal, therefore, presents itself for the future of humanity, in which none of the nations labours exclusively for itself, but all labour for one another, and in which Fraternity reigns under the aegis of Peace.

Ladies and Gentleman, duty calls upon us to prepare ourselves for these high destinies and the road we ought to take lies clearly before us, since an increase in the international exchanges of food-stuffs is inevitable. I will therefore express the opinion that the sole measure necessary at the present moment to insure the peace of the world, is an Entente embracing three or four of the principal civilized nations—and the better if others are willing to join them, for the more are included the more effective they would be. These great powers should then engage to act in concert against disturbers of the World's Peace, if any such should present himself which would hardly be possible from the moment when such an association as I have mentioned became an accomplished fact.

The Czar of Russia who seemed in 1898 to divine the imminence of the reign of Universal Peace thus expressed himself in convening the nations to meet

him in conference. The Conference should, he said, constitute, with the help of God, a happy augury for this century. It would gather into a powerful focus the efforts of every country that sincerely strove after the noble conception of a universal peace triumphing over elements of trouble and discord. This message of the Czar will remain for ever memorable.

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## ALFRED H. FRIED (AUSTRIA).

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From: Handbuch der Friedensbewegung (Manual of the Peace Movement), 2nd edition, Vol. I, 1911, p. 12—13, 116, 133—134, 141—143, 155—158.

The Peace movement, does not regard a disturbance in the new order of things as excluded „for ever”, but acknowledges the possibility of application of violence within the limits of the international organization. Such cases may arise, for instance, when it is necessary to defend the organized states against attacks from nationalities not yet belonging to the organization, and particularly, those from less civilized peoples. They may arise through a revolt of one or more of the states against the Community of States. But these cases would not change the fundamental character, or diminish the advantages of the peace organization. Above all they would not be comparable to war as we at present understand it, any more than internal revolutions in the present day states are regarded as war, or call into question the necessity or the existence of the organization of a state. Although such applications of violence will retain certain external characteristics of war, yet in their nature they will be essentially different from it. In the first place they will only be rare exceptions, which will not, as present war, influence the entire normal life of the countries. Moreover they will not, like present war, usurp the place of

law, but be carried out in the service of law. This will take away the bitterness of the strife, and above all, it will save it from the dangerous aftermath which present wars bring with them. Neither hate nor desire for revenge will remain behind. Moreover we must realize how seldom such cases can occur. When all the civilized states have been united into one organization, there will hardly be a less civilized state, or a union of such states and peoples that is in a condition to oppose the power represented in the organization. There will be a sufficient number of peaceful methods of coercion. Boycotting of goods, stoppage of postal, railway and credit intercourse, will be sufficient to enforce submission to order. The single states belonging to the organization will therefore hardly be able to oppose themselves to the power of the other partners. They will also have little occasion to do it, as they will have entered the organization voluntarily and in full appreciation of their interest in doing so. They will owe their stability and development to the organization, and hardly be disposed to sacrifice the many advantages connected with it. It may therefore be said that the recourse to violence within the international organization by no means needs to be excluded „for ever”, and yet that this organisation will be in the highest degree for the benefit of humanity.

The international organisation will not spring from violence, but from the proper understanding of the

advantages of association. The organization means an economy of resources, and the acknowledgement of the advantage of the economy of resources brings it about. The abolition of useless resistance, the regulation of the relation of forces, the conversion of raw power into regulated strength are the essence of organization. In organization the parts adapt themselves to the whole, without being themselves dissolved in that whole. They arrange their life beside each other and together. They convert force into law, by establishing certain rules, which prescribe regulations of conduct to the parts in the interest of the whole. These rules need not be upheld by force, as they have not been imposed by force. The interests bound up in order are a sufficient protection for it. The particular characteristic of organization is its organs, whose task it is to guard not the interests of single members, but those of the organization as a whole.

The coordination of governments is not exhausted with international conferences. In other ways besides in consultation and discussion we see the states stand together. During recent years we have seen in this way international executions, like the pacific blockade of the Powers against Greece in 1886, the international occupation of Crete in 1898, the international punitive expedition against China in 1900. Although these operations may be of a warlike character, yet they are

essentially different from the earlier combinations of two or more Powers, for the purpose of making war. They are truly international in character, and the object which underlies them is the enforcement of the order and security of international intercourse. In this connection the international coöperation in China is particularly remarkable, as it was connected with the retribution for a crime committed against the representative of a single Power (Germany). The circumstance that the combined forces of the civilized world were then placed under one command (Field Marshal Waldersee) is a further proof of the advancing internationalisation of the family of states. We may here also refer to the establishment of an international gendarmerie, such as existed for years in Macedonia, and to the action of Spain and France in Morocco, which was the consequence of a European mandate.

The more the Community of States is developed, the more perfectly its members will be conscious of their being bound by a common law, the more they will become accustomed to practising its rules. And the more this consciousness is developed, the less will be the necessity of appealing to the decisions of a third party. Causes of quarrel will be settled by mutual deliberations, mutual concessions, mutual fulfilment of claims, simply under the constraint of the advantages, acknowledged on all sides, of regulation

This is often the case even to-day, in the still incomplete organisation; today, when recourse to violence is still a possible means for the settlement of international quarrels, at any rate a means which quarrelling Powers take into consideration. There have been not only those disagreements whose settlement by war or arbitration we have experienced, and which but for this would not have become apparent to us. Thousands more are adjusted even today, without leading either to exercise of force or to the decision of an umpire. Even today the interest of the members of the imperfect international organisation is such a strong bond that in the majority of disagreements they find a way out for themselves by mutual understanding.

This fact becomes by no means less significant by the circumstance that in many cases a hint at the forces at the disposal of the states promotes a pacific settlement. The mere fact that hinting at the existence of force will often make it unnecessary to resort to it, is in itself a step in the direction of organisation, which here has all the more significance because we live in a time in which force still plays a part in international intercourse. This is by no means a plea for the ruling system of armaments for, even if in the completed organizations law will still need the support of force (which need not be unconditionally granted; for though to-day even in a well regulated state law needs the support of force, even if only hinted at,

still in the Community of States, which will contain much fewer members, the interest in the maintenance of order might take the place of force), yet an incomparably smaller apparatus of force than is at present the case will be sufficient, and above all it will not be necessary to be constantly increasing this apparatus by mutual competition.

The completed international organization will, for all that, be equipped with complete legal institutions. These will be the crown of the work of organization, and will undoubtedly render great services. But the greatest success of these institutions will lie in the infrequency of their application.

It is sometimes objected, even to-day, that arbitration lacks sanction, and that if a state should refuse to accept an arbitral award, there would be no means of enforcing it except by an armed interference, in short, war, which it is the whole purpose of arbitration to avoid. This idea shows an entire misapprehension of the real nature of arbitration; it springs from an unjustifiable application of the methods of municipal law to the problem of international arbitration.

Being a product of the international organization, arbitration, like the whole practise of peace, is governed by this desire to be organized. It would be entirely impossible without the compelling motives which are gradually leading all the states towards organization. In the fact that it is possible, which implies



that it is desired and found to be useful, lies its sanction.

Methods of coercion, such as municipal law possesses in the form of police and sheriff's officers, are superfluous for international law, at any rate do not come into consideration for the sanctioning of an arbitral judgement.

The state, which submits to the method of arbitration, does not do this perforce, as a citizen is obliged to submit to the court, but voluntarily. It acknowledges the arbitral award by agreeing to submit its quarrel to arbitration.

Of course the possibility of change of opinion remains theoretically open. The State remains, but its authorities may change. A government that has brought a quarrel before the arbitral tribunal with the intention of adhering to its decision, whatever that may be, may have been followed, by the time the sentence is pronounced, by a government that no longer shares this determination. Or the award may raise so much discontent amongst the population of a state that the government does not feel itself in a position to defy popular opinion.

This theoretic objection is however contradicted by the experience of a century. Of the 212 arbitral awards which have been given in the course of the 19th century, there is not one that, in spite of the supposed absence of sanction, has not been carried out. It has occurred once or twice that the public opinion of a country has passionately protested against a par-

ticular international award. This was the case in the Anglo-American dispute about the boundary of Alaska and Canada in 1903, and in the frontier quarrel between Bolivia and Peru in 1909, but in all these cases common sense triumphed over passion, and led to the acceptance of the resented verdict.

If a parallel is allowable between municipal and international law, it may be found in the excellent instance quoted by Jacques Dumas of administration of justice against the public authorities acting as such (jurisdiction administrative), where there is also no other sanction, when the state or a public authority is condemned to satisfy the claims of a citizen. In this case also no police and no sheriff's officer could force the powerful state to submit to the sentence. It submits from a comprehension of the advantage of the maintenance of law and order; from the same reasons that the states submit to the awards of international tribunals.

Thus we see that arbitration, when we understand its nature, does not lack sanction. But even if it were thought necessary to add an executive power to international administration of justice, it would not be necessary to find this in the application of warlike force. We have already on p. 13 [here: p. 162] pointed out the pacific means of coercion which the Community of States possesses for awakening in a recalcitrant State the consciousness of its dependence upon the whole.

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## LÉON BOURGEOIS (FRANCE).

SENATOR, LATE MINISTER OF FOREIGN AFFAIRS, DELEGATE AT THE  
1ST AND THE 2ND PEACE CONFERENCES.

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From: *Pour la Société des Nations* (For the Society of Nations), 1910.  
P. 244.

We, who are the resolute advocates of arbitration and of peace, wish to say distinctly: disarmament in our eyes is a consequence, and not a preparation.

To render disarmament possible, it is in the first place necessary that every one should feel that his rights are assured. The security of rights is the first thing that must be organized. Behind this rampart the nations will disarm themselves without difficulty, because they will no longer be a prey to those fears which drive them to arm themselves to-day.

Law must continue to be the prime object of universal conferences. Those who wish for peace, must create and guarantee law between nations, as between individuals; that is the true goal, because peace without law is not real peace.

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## WALTHER SCHUECKING (GERMANY).

PROFESSOR OF LAW IN THE UNIVERSITY OF MARBURG.

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From: *Der Staatenverband der Haager Konferenzen* (The Community of States as moulded by the Hague Conferences). 1912, p. 277—279, 283—285, 288—294, 296—298.

When all nations shall have united in a world community for the maintenance of universal peace, this will include as a logical consequence, in my opinion, the mutual acknowledgement of their independance and their territorial status quo. To a natural sense of justice it appears as a thing simply unthinkable, that an organisation for the maintenance of a peace based on justice should be established within the civilised world, and that two members of this same universal community of states should then proceed to take the land of a third member of this community and simply divide it between themselves, or at least by intimidation, reduce it to a condition of international dependence, without this third state having a right to demand protection from the universal community itself, as was done by England and Russia with regard to Persia. . . . People might draw the conclusion from these Persian affairs that the whole community of the civilized states for the maintenance of a peace based on justice is only a farce, and a piece of most unsympathetic hypocrisy. This, however, would be "to empty out the child with the bath". A more natural

explanation is that we are in a period of transition, in which such flagrant contradictions are to be explained simply by the fact that the old forms of relation between one state and another are being broken down, while the new forms are not yet built up. The fate of Persia is undoubtedly irreconcilable with the fundamental ideal of the Hague Conferences, but on the other hand these ideas have not yet gained so much authority that the organisation of the Hague could have afforded that country a sufficient protection. The Italian undertaking against Tripolis is a precisely similar case.

It is therefore only necessary to draw the ultimate conclusions from Hugo Grotius's postulate that the states stand towards each other in international law as subjects of rights, and by the building up of an international organisation to assure the necessary legal protection to the international status quo. The toleration of wars of pure conquest, such as is going on at present [1911] in North Africa, seems entirely irreconcilable with a higher civilisation of the world. On the other hand a mutual guarantee of the international status quo would by no means imply a state of churchyard peace between the nations. Rise and fall of states, accompanied by a corresponding change of territory can quite well be imagined even without one state, on the ground of threadbare assertions, suddenly making impossible demands upon another, and then falling upon it with the force of arms, and all this in complete accordance with the prevalent inter-

national law! In the end the full perception of the solidarity of all human interests will force itself through, even here. For in the last resort all nations alike suffer from the fact that for the protection of their possessions they can only rely upon their own strength. This circumstance is undoubtedly the ultimate ground for the ever increasing burden of armaments so cramping to all development, whose maintenance is regarded as a threat, and which leads to the mania for rival armaments, under which all nations alike suffer. A guarantee of the international status quo seems therefore to be the obvious goal of the whole evolution in international law, and even professor Zorn of Bonn, who regards the aims of the pacifist with coldness and scepticism, acknowledges that this project tends in the same direction in which the facts are developing. \*)

But first this idea must permeate the minds of the civilized world. We need not, therefore, here enter into the question of what legal forms would be necessary

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\*) Zorn, in the presentation volume to Güterbock, p. 236. He justly compares the desire for the guarantee clause with the legitimacy principle of the Holy Alliance. It is true that this idea has fallen through, but principally because the whole weight of the coalition was directed against the constitutional movement, and strove to arrest the irresistible progress of the modern state. „The Holy Alliance”, says the late American Ambassador, David J. Hill, in his clever book, „World organisation as affected by the Nature of the Modern State” 1911, p. 146, the Holy Alliance was engaged in the unholy task of suppressing jural development by the use of armed power. It would be a quite different enterprise, if Modern States should decide, by the aid of mutual guarantees, to establish more firmly the jural relations which they all recognize and affirm; and thereby substitute the security of law for the hazards and menaces of physical force.

to give practical significance to such a guarantee clause in the constitution of the Community of States. In my opinion it would not be sufficient for the violation of the guaranteed international status quo being regarded as a *casus belli* by the other states, but a legal procedure for complaining of such an infraction — that is, an international *interdictum uti possidetis* — should be prescribed, and there would need to be an international force, which carried out the award given in favour of the disturbed status quo, by means of an international execution. †)

Dealing with the project of inserting in the constitution of the Community of States a guarantee clause in favour of the independence and integrity of the Community members, has brought upon the horizon the institution of an international police force, which in the last resort would be able to protect the threatened status quo by force, and with this we come upon a new problem in the construction of the Hague Community of States. With regard to this question, so frequently discussed by the pacifists, we must in the first place make clear that in erecting an international police the character of the Hague organisation as that of a community resting upon the sovereignty of the individual states, will not be impaired. Although Pohl says: "It is impossible to imagine a

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†) Similar to the arrangement in the German Federation in which there was a legally authorised execution. Comp. art. 33 of the Final Act of Vienna.

coercive power acting against sovereign states, the idea of coercion belongs to the dream of one world-wide state; in the case of the International Prize Court, also the question of how to enforce its awards is like trying to square the circle," this is simply untrue. By an international police action the state would only undergo what it had wished for itself, in that it had entered into a treaty to submit to such an action in case of disobedience. If the author of this statement (that the exercise of coercion upon a sovereign state was unimaginable) had made any study of the literature upon federation, he would have discovered that the presence of coercive power in the confederation is as a matter of fact the rule, notwithstanding that according to the prevailing theory, these are organisations of sovereign states. While the erection of a police force within the Community of States is quite possible without its implying the transition into one world state, it is moreover unquestionably a very desirable thing in itself. Even Meurer calls the absence of coercive power "the weak point of arbitration", while at the same time he is of opinion that international law will have to be content with "force morale obligatoire". It must be owned, to the honour of the civilized countries, that in all instances of arbitration so far, however great their number, and however painful to the parties submission may have been on material and sentimental grounds, the sentence has always been car-



ried out voluntarily. At the same time the presence of an international coercive power would be a fact of immense psychological importance. For, to the man in the street, the idea of law is unfortunately once for all bound up with that of force, and the spiritual plebeians of all nations, of which unfortunately there is no lack, would be inclined to put a quite different value upon the administration of justice at the Hague, if an international police force stood behind it. But apart from this, the significance of the international police would not only lie in the possibility of securing the carrying out of the international awards by its means. But as in the old German Federation a police action could take place for the maintenance of the fundamental law of the Federation and for the carrying out of the decrees of the Federation, in this case also, by the existence of a police force, the possibility would be given of providing the necessary guarantee for the whole complex of international law as codified at the Hague. This would mean an advance with immeasurable possibilities. The Community of States could then interfere wherever the international law was infringed. In this way, for instance, neutral states could be efficiently protected against the attacks of belligerents. Of what significance this possibility would be is best shown by the following personal recollection. In a political meeting I once had a controversy with one of the first German political economists, on the question of a reduction of arma-

ments by special treaty between England and Germany. My antagonist declared himself entirely in agreement with such a project, given that the German fleet had first reached the same stage as the English. To this I naturally objected that England could never resign its superiority in regard to sea power. If the German fleet were even approaching to it in strength, the fortunes of war might turn against England; its ports could then be closed, and as is well known England would be in danger of a terrible famine, within six weeks. We Germans did not need as strong a fleet as England, because we could never be brought into such a danger without being able to get supplies through the neutral ports of Holland and Belgium. To this my adversary answered that at the very beginning of a naval war between England and Germany, without regarding their neutrality, England would immediately blockade the coasts of Holland and Belgium. We need not here consider whether such a flagrant breach of international law is really to be expected, seeing that in the Declaration of London, art. I, it is stated "A blockade must not extend beyond the ports and coasts belonging to or occupied by the enemy." In my opinion it is undervaluing the honour of the enemy and the pressure of public opinion, to expect such breaches of law from the countries at war; moreover in my opinion belligerents are far too dependent upon the sympathies of the neutrals—e. g. the need of money in modern war, and the

necessity of taking up loans abroad — to dare to turn all the neutral states against them by such procedure; but as I said before, we may leave this question aside, as also the question of whether by a blockade of Holland and Belgium Germany would really be in as bad a case as the island kingdom of England would be by the closing up of its ports; it is enough for us to establish the fact that even in German intellectual circles the belief in the respect for the laws of neutrality is so small. And by no means in Germany only. For why should Belgium otherwise have spent so many millions upon its fortifications on the German frontier, although its neutrality is legally guaranteed? Why should neutralized Switzerland even in time of peace be so careful to take every military precaution to prevent the French breaking through the Jura to attack Germany, in case of a war between the two? How deeply Belgium was agitated in the autumn of 1911 when there was apparent danger of war between Germany on the one hand, and England and France on the other, about Morocco. We see therefore that distrust of the preservation of the neutrality of the intermediary states is general, and at the same time we recognize the importance of an institution whose duty it would be to attend, in the name of a Community of States, to the carrying out of the rules of international law for the protection of neutrals. An enormous amount of energy would be set free in this way, and could be turned to useful

purposes. If we are determined to have natural states, then in my opinion we should gladly seize upon every opportunity which offers for the strict maintenance of neutrality, and a new possibility in this direction is unquestionably given in principle by the advancing organisation of the Hague Community of States. The honour of having set this problem of an international police force, which as is said above has already occupied pacifists a thousand times, as a question for discussion at the third Hague Conference, is due to the Leyden Professor van Vollenhoven.

It is not necessary here to enter into a discussion of the particulars of his project; it is sufficient to have shown that in this direction too the science of international law is coming under the influence of the ideas of the pacifists, that the realisation of these ideas would be of great use, and that they could occur without any fundamental revolution in the structure of the Community of States. Once this has been fully acknowledged, the political difficulties will disappear, which to-day militate against the establishment of an international police force. The conviction will gradually gain ground that here too every advance for the benefit of the Community of States, is to the immediate benefit of each one state individually. Nevertheless, this development will require time, and it seems to us impossible that the leading Powers, with the exception of the United States of America \*), will be prepared to participate in the establish-

ment of an international police force of this kind at the third Hague Conference †). And perhaps the adherents of this idea, "at the present time, when the endeavours towards the extension of the field of arbitration and international organisation, if they are to have any result, need the greatest and most tender care"(Wehberg) will be wiser for a time to postpone the project in question. Of course this does not exclude the fact of it being the right and even the duty of science to consider this problem. For with its realisation international law would make an enormous advance, and, as Nippold said on one occasion, it is the task of the jurists to win politicians for the progress of law.

\*) The United States take up a very advanced attitude in regard to the question of international police. The „Berliner Tageblatt" in No. 623 of Dec. 7, 1911, publishes an interview of its correspondent with President Taft, in which the latter said that as soon as there are a sufficient number of obligatory arbitration treaties it would be possible to institute an International Court of Justice, which must be equipped with the necessary police power to enforce its awards.

†) Jarousse de Sillac seems to be of the same opinion; on this question of international police he says amongst other things: "It goes without saying that the future must decide whether there will be sufficient cause to look for means of imposing respect for the international laws. But it is useless at present to anticipate so far. What must be affirmed even today is that force must be used more and more for the service of the law of nations. With regard to this it suffices to watch the evolution to see where it is leading us. It is a quite modern phenomenon that the Powers in many cases, have constituted international forces: the expedition to China, the occupation of Crete, the gendarmerie in Macedonia etc. The formula has been found. When the opinion of neutrals has gained self-consciousness, when it has become accustomed to make its voice heard on the eve of a conflict, the moral force which will accrue therefrom will only be the prelude to the material force which it will be able to bring to bear."

T. J. LAWRENCE (GREAT-BRITAIN).

MEMBER OF THE „INSTITUT DE DROIT INTERNATIONAL”.  
RECTOR OF UPTON LEVEL.

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From : The Principles of international law, 1911, p. V, 574 and 575.

At the same time, I have indicated my belief that the period of rapid development through which we are now passing may end, if those who stand for righteousness among the nations are at once sane in their aim and earnest in their endeavors, in the establishment of an organized international Society, with legislative, executive, and judicial organs. Were this once done, war would in time become as abnormal and infrequent as rebellion.

War burdens are borne with more or less of cheerfulness to day because they are regarded as insurances against worse evils. No important state dares to disarm lest its defenceless condition should tempt some unscrupulous neighbour to annex it, or at least to undermine its position in the world and make inroads on its wealth or territory. In consequence of this mutual distrust nations are content to live in a condition of armed peace, which imposes crushing burdens on their pecuniary resources, and seriously impedes economic and social progress. In Europe alone about four and a half million men are withdrawn from

productive occupations, and trained in the arts of destruction, at an annual cost of about three hundred million pounds sterling. Were war to break out, this number could be more than doubled at once, and by calling up reserves and territorial forces of all kinds it could be increased to twenty millions. There are differences of opinion among statesmen as to whether the cost of these preparations for conflict is increasing faster than the resources available to meet it; but no one doubts that if it ceased wholly or in part to be levied on industry, an immense advance would take place in general prosperity and social amelioration. Nor is this all. An army may be a school of honor and discipline; but it may be also a school of vice, too often state-established and state-endowed. The moral effects of the existing system are at best mixed, and it is possible to obtain what is good in them by other means. Its material effects are harmful, if not absolutely disastrous; while the addition to the sum of human suffering produced by actual war is so terrible that mankind would rise in general insurrection against it, could each individual human being be made to realize its horrors. And yet it lasts. There must be some strong reason that keeps alive an institution convicted of so much evil. When every allowance is made for the influence of the countless interests concerned in the perpetuation of wars; when due account is taken of the pugnacity inherent in mankind; when full importance is given to the sanguine

spirit which causes a whole people to believe that the sufferings and disgraces will fall to its enemy, the glory and advantages to itself, it nevertheless remains clear that these things alone will not account for the phenomenon. The truth is that in the last resort war is the only safeguard for what virile nations hold more dear than material prosperity—their independence, their honor, their position of influence in the world. And therefore war will endure, till overbearing and unscrupulous states are restrained by international tribunals and a strong international police force.

It is useless to reply that most states desire nothing more than security for themselves and their positions. As long as there are any who cannot be trusted, precautions against them must be taken. And there is also the psychological fact, as conspicuous in nations as in individuals, that opportunity often produces evil desires which would not have existed without it. Until civilized humanity has called into being alternatives to war which effectively safeguard peaceable and justly disposed states, there can be no general disarming, though it may perhaps be possible to put a check on the present futile competition in armaments which ends in leaving the powers that carry it on in the same relative position as before, only very much poorer. Hague Conferences may pass and confirm resolutions setting forth the restriction of military charges as a desirable object to be aimed at, and recommend the serious examination of the question by



governments; but they will not be able to take active measures till some High Court of International Justice has been brought into operation and proved itself a just and capable tribunal. Such a consummation is perhaps nearer than is generally believed.

War was always barbarous. It is rapidly becoming foolish. We may succeed in making it very rare, though we can hardly hope to abolish it entirely. Even in an epoch of general disarmament human folly and human passion would sometimes have their way. When the will to injure was overwhelmingly strong the means of attack could be improvised, and the fear of an international police force would no more act as a deterrent in every instance than does the fear of a municipal police force in the case of domestic criminals.

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## NORMAN ANGELL (GREAT-BRITAIN).

(RALPH LANE).

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From: *Prussianism and its Destruction*, Dec. 1914, p. 234—240,  
XVIII — XX.

What should we do?"

...Let us cast our minds forward to the stage at which England is completely victorious and is able to say to Germany: "You must never renew this mad race for armaments. Your military forces must be confined within such and such limits."

And suppose that Germany should reply about as follows:

"If our armaments are reduced as you desire, how shall we be in a position to defend ourselves against possible Russian aggression? Authoritative organs have already during the war demanded the Russian annexation of all North Prussia up to and including the Kiel Canal. You yourself have admitted that such demand is monstrous; but imagine a Russia of greatly increased power of the future, drawing, it may be, on Asiatic populations for an enormous army, and possessing a force that outweighs ours. Are we not to be at liberty to meet this menace? Ten years since, your own political writers were declaring that Russia did constitute a menace to her neighbours. What guarantee can you give us that she will not again?"

Now, we can answer that in two ways. We can say: "We can give you no guarantee as to security from Russia; so far as we are concerned, Russia can act as she likes; our business is only to see that you have only very small armaments." And of course if we and the Allies mean business and mean to enforce that view, little short of the permanent occupation of Germany will make such a policy certain. Just how far indeed such a policy can be permanently enforced by outside military power has been discussed in some of the preceding pages.

Or we can reply in another way and say: "We—all of us—will guarantee you against Russian aggression, just as we will guarantee Russia against your aggression. The international arrangements of the future will be on the basis, not of two rival groups, each confronting the other, but a sextuple or an octuple alliance comprising all the members of the two groups pledged to act in common against any one disturber of the peace."

Now, for the purpose of this war, seven nations have combined against Germany and Austria. Why for the purpose of a permanent peace should not eight, or for that matter eighteen, undertake to combine against any one nation that commits aggression upon its neighbours? This would be a step at least toward allaying that fear which has produced such dire results.

The very fact of the discussion of such a proposal will place in the hands of those elements of the Ger-

man population that will have become weary of this war an alternative to that re-arming which the Prussian party will certainly counsel.

Such a step is the natural development of the system of alliances to which we are already committed. It is the preliminary stage of the international police which we are unlikely to achieve at one bound from the present condition.

The step I have suggested is that which was taken by Sir Edward Grey himself in the last crisis which threatened Europe with war—the Balkan affair. It is the step which he took when the die had already, unfortunately, been cast in the crisis that led to this war. Where time was available for the plan to operate, the new method succeeded in preventing war. All the circumstances after the war will probably be much more favourable for such a plan than they were before the war. The reshufflings and rearrangements, the weariness and exhaustion, the disposition to try new methods, and all the other psychological factors that generally precede developments of this nature, will be operative in full.

As against this will, of course, be urged all that we have heard for so many weary years—the impossibility of depending upon treaties or undertakings as between nations. But surely this objection overlooks the fact that the policy of the Balance of Power and the present resistance to Germany are themselves based upon agreements between nations; and between nati-

ons that by their characters have as little natural affinity as could well be imagined. In the present system of the Balance of Power we have international co-operation and combination between Servia, Japan, Russia, England, France, Belgium, and Portugal. Who would have said five years ago that England could by any possibility have found herself the ally of Servia? Or fifteen years ago who would have prophesied that England would be fighting to promote a Russian policy?

The facts of the present war show that we have already reached that stage at which we are *obliged* to depend for our safety upon the co-operation of nations with which we may have very serious causes of disagreement and conflict. For years our Australian fellow-subjects have been fearing the aggression of Japan, providing against it. Japan has been for a long time the prospective enemy most in their minds, yet that does not prevent the Australians being for this circumstance the allies of the Japanese. What should therefore prevent nations otherwise divided becoming for a special occasion and circumstance—*i.e.*, the breaking of the peace by one member of the society of nations—allies and co-operators? There are, of course, other difficulties of detail. Who is the aggressor? Our experience in this war shows that we can bring certain tests as to offensive as opposed to defensive action: mobilization without the consent of the allied Powers would be considered an act of war.

Other difficulties of detail should not prove more insoluble. If such an alliance of all the Powers of Europe is not to become an instrument for doubtful intrigues of diplomatists acting in secret, the engagements and deliberations of the Powers should be public, and secret arrangements between two or more individual members should be regarded as a violation of the international compact and of the new comity of nations. Moreover, it is by the publicity of the deliberations of the new council of the nations that we may hope to excite in the public itself sufficient interest in international relations to insure its gradual education in these matters and the improvement of its sense of responsibility for the immense issues that are involved.

One further proviso might be necessary: that there should be no transfer of territory from one Government to another without the consent of the population of that territory secured by as sound a means as international guarantees can insure. This principle of itself might go far to prevent wars of aggression: it would serve little purpose to fight a war of conquest if after the successful prosecution of the war it were necessary to submit the fate of the coveted territory to its inhabitants, a decision which may render the results of the war nugatory.

This, then, should be broadly the programme for the accomplishment of which British influence might work: the enlargement of our present alliance engage-

ments so as to include all the combatants in this war, the purpose of such alliance being to throw against any one member of the group guilty of aggression the weight of all the rest; publicity in the engagements made by the members; and no transfer of territory save by the consent of its inhabitants.

This falls very far short of more ambitious pacifist schemes—universal limitation of armaments, universal arbitration, etc. But it would be the first step to those ends. Without it they will never be achieved. When the defence in one country is, in addition to its own armament, based upon the support of the whole of Christendom, that fear which has been the main operative factor in the increase of armaments in the past, will be attenuated, to say the least. It would in principle transform the armaments of the world into the police force of the world, instead of their being as now a series of police forces pledged, not to the maintenance of order, but to fighting one another.

I am aware, of course, that this means the abandonment of certain Radical doctrines which have been held very tenaciously in the past: non-intervention, no military alliance with foreign countries, etc. But those doctrines, defensible as they were before the war, have, for good or ill, by our act been abandoned. We have become an integral part of the European system, and it is outside the domain of practical politics to go back. We must go forward to a condition which will obviate so far as may be the disadvantages and

penalties which the steps already taken have involved.

If even this small development in the right direction is too Utopian, then indeed it is a choice between Utopia and Hell. The adoption of the principle suggested does not involve anything in the nature of non-resistance or a disparagement of the instinct of self-defence and nationality; nor the assumption that men will always act wisely or nations always in their best interest; nor that international agreements can be implicitly relied upon; nor that nations will not violate their compacts. Such assumptions would be quite unfounded. But we must draw from that fact the right conclusion, which is, that if nations are so apt to lose their heads, it is important in normal times to develop a sense of real national interest so widespread and deeply rooted that even violent national passions will not entirely sweep it away; that since nationality is so sacred a thing we should all stand by one another to insure its respect; that since treaties are so unreliable we must have as many guarantors as possible; that as they are so flimsy, nothing less than the support of the whole of Christendom can render them reliable.

This is the only way. If we decline to follow it, but take the Prussian view that only force—the rival forces of rival units each nullifying the other—can give us security, then we shall have admitted that the boast of this being a war against the Prussian doctrine



is a sham; it will be a confession that we ourselves believe such doctrine.

Those who hope to see England play a better part should fight this doctrine to the last, and by staking their policy upon the better creed, show both the courage and the faith without which no end of real worth can be accomplished.

. . . . Very many will genuinely feel that this is not the time for any consideration save that of the triumph of our arms. The belief in the vital need for that I share as intensely as any could. But is there the faintest, the most fractional, danger of our forgetting that for a moment? Is not the desire for victory, the determination to achieve it, the one thing which always most readily animates any people, and in all history always has done so? But is there the same doggedness, the same interest and persistence, in this other thing, the determination to avoid the errors and defects which have marked the relations of nations in the past? Have not all peoples as a quite simple fact throughout history remembered the first thing and forgotten the second? That is my justification for urging what we most readily forget, and leaving others to urge what there is not the slightest danger of our forgetting. "This is not the time." Perhaps. It never is: before the peace it is too early; after the peace it is too late. The real danger is that almost automatically the old ideas will after the war once more assert their sway. If that

takes place, all our dreams of a more civilized society will have come to nought. We must not forget that we shall be the predominant political factor in Europe on the morrow of the war. And the direction that things will take will depend mainly upon the kind and force of the influence that we bring to bear. And that in its turn will depend upon the kind and force of the public opinion which stands behind the Government.

The danger that public opinion will not rise to its opportunity is very real. Despite the fact that we are all now agreed that this war and the transformation of the German people is the work of a false idea, and attribute, consequently, this stupendous power to the force of an idea, it is very doubtful whether, once the war is over, and the visibly tragic and theatrical side of it is finished with, we shall be interested in ideas at all, true or false. In all human probability we shall return to our daily occupations indifferent to the bad system and the evil fallacies which have wrought so much disaster in the past.

We shall be looking for some one scheme or plan, some paper Constitution that the diplomats will arrange for us, and so solve the problem once for all, relieving us of all bother. But the prevention of future wars will not be the work of a paper scheme for the mechanical rearrangement of European administration and the redrawing of the European map; it will not be the work of a Conference sitting for three weeks or three months; it will be the result of policies to be

shaped during the next ten or fifteen years by the general ideas obtaining in Europe. I have attempted in above pages, to show briefly, and very roughly and generally, in what manner the principles here enunciated might be applied to existing conditions. It would be possible, of course, to expand these general indications into a detailed and imposing paper scheme for the governance of the world: a model constitution for the United States of Europe. Such a paper scheme would, of course, be worth just nothing. However cunningly devised, it would be doomed to failure so long as current political conceptions give rise to conflicting ambitions, mutual fears, evil hate and passions. That is why this book deals mainly with those false conceptions. So long as we hold them they will render us as incapable as the Prussians themselves of so dealing with other peoples as to create and maintain a society of nations.

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## SIR EDWARD GREY (GREAT-BRITAIN).

SECRETARY OF STATE FOR FOREIGN AFFAIRS.

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### 1. IN THE HOUSE OF COMMONS (February 23, 1911).

In December last the United States Ambassador brought to my notice the joint resolution passed by the Senate and House of Representatives on the subject <sup>1)</sup>. His Excellency inquired whether there was a prospect of co-operation on the part of His Majesty's Government, and, if so, to what extent; and my reply was to the effect that His Majesty's Government had always taken the keenest interest in the plan of an international agreement for this purpose, and would therefore most readily enter into a full and frank interchange of views with the United States Government upon the subject, and would lend their support to any wellconsidered and practical scheme which might be brought forward by the United States Government. His Majesty's Government welcomed the joint resolution of the Senate and House of Representatives, and would look forward with sympathetic interest to the conclusions at which the proposed commission might arrive. Should the commission be able to formulate a scheme on definite lines it would receive the most friendly consideration at the hands of His Majesty's Government.

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<sup>1)</sup> See p. 182 *supra*.

## 2. IN THE HOUSE OF COMMONS (March 12, 1911).

Some armies and navies would remain, no doubt, but they would remain then not in rivalry with each other, but as the police of the world.

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3. From a speech before the Manchester Chamber of Commerce,  
February 3, 1914.

One thing about the situation is this, that while any large increase in the building programme of any great country in Europe has a stimulating effect upon the expenditure in other countries, it does not follow that a slackening in the expenditure in one country produces a diminution in the expenditure of others. There seems to be a sort of idea abroad, a very misleading one, and, I think, an unconscious one—there is a general impression that there is in Europe as a whole, an idea that this is a race with some prize to be won at the end of it. It is a most misleading idea.

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The greatest object you desire in foreign politics is that we should keep the country in peace, and that not from any poorness of spirit on our part, as if we were so shocked at the idea of war that under no circumstances could we contemplate it, but because we are penetrated by a sense of the waste of war, and that to trade, especially such a trade as that of Lancashire, war in the world at all, whether we are engaged in it or not, must be a serious disadvantage.

I was told when I was in Manchester in the autumn that the Manchester trade had suffered owing to the war in the Balkans, because the ravages of that terrible war had inevitably diminished the purchasing power of the Balkans, which were an important market for Manchester goods. That, of course, was unavoidable. Anybody who followed the course of that war must have realized many times how terrible were the underlying forces which caused it, and how violent were the passions of those who were themselves engaged. Nothing but the interference of the Great Powers of Europe could have prevented it, and for the Great Powers to resort to force themselves in order to keep the peace might be a somewhat hazardous proceeding.

Perhaps it will not always be so. A day may come—though not in our generation, I hope in some future generation—when if ever war breaks out in Europe between any two countries the other countries will rush to stamp out that war with as little suspicion of the purity of each other's motives as neighbours rush to help each other to put out a fire. But we have not reached that point yet, and, after all, when the war between Turkey and the Balkan States broke out, it was a commonplace saying of, and universally credited in, diplomatic circles that if ever the Great Powers of Europe had to decide what was to be the settlement when the Turkish Empire in Europe broke up they would never be able to agree amongst

each other about it. I think it was probably true, and they did find agreement, not in deciding themselves what the settlement of the distribution of Turkish territory in Europe was to be, but by agreeing among themselves to leave it to Turkey and the Balkan States, or rather to the arbitrament of war between them, to decide what the settlement was to be, instead of the Great Powers taking it in hand themselves with the exception of certain things, such as Albania, and so forth. In the main it was left to the States at war, and the Great Powers did not undertake that task from which diplomacy had always shrunk, and they kept the peace between themselves, and in doing so I think rendered the greatest service which was in their power to do. Had there been war between the Great Powers the damage to trade would have been infinitely greater than was caused by the war between the Balkan States. It follows from that that what you would like British foreign policy to be is not merely a policy which keeps this country at peace, but a policy which, so far as its influence can extend, makes for peace in the world.

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